

## HOUSE OF REPRESENTATIVES—Monday, February 7, 1983

The House met at 12 o'clock noon. The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May the glory of a new day, O Lord, fill us with anticipation for the opportunities before us. As we see our tasks may Your providence ever surround us, may Your Spirit fill us with love, and may Your presence grant us abiding peace. Be with us this day and every day, we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## REPORT ON RESOLUTION ESTABLISHING A SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 98-4) on the resolution (H. Res. 49) to establish the Select Committee on Narcotics Abuse and Control, which was referred to the House Calendar and ordered to be printed.

## JUSTICE DEPARTMENT LOSES CASE AGAINST HOUSE; CONTEMPT OF CONGRESS PROCEEDINGS AGAINST EPA ADMINISTRATOR STILL PENDING

(Mr. LEVITAS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, I take this time once again to inform the House of the further proceedings in the contempt of Congress matter involving the Administrator of the Environmental Protection Agency.

Immediately following the action by the House of Representatives last December to cite for contempt the Administrator for failure to produce documents necessary for our Superfund oversight investigation, the Justice Department filed a lawsuit in the name of the United States of America against the House of Representatives and certain Members of Congress and officers of the House challenging the right of Congress to pursue the contempt of Congress against the Administrator of the Environmental Protection Agency. On Tuesday of last week a hearing was held before the Federal

district judge here in Washington to dismiss the complaint of the Justice Department, and on Thursday of last week, Mr. Speaker, the court ruled in favor of the House, a total victory was obtained, and the Justice Department's action was dismissed.

In his opinion the judge asked the parties to try to get together and resolve the dispute without further legal proceedings.

As the Members know, the House has made several efforts to resolve the matter, even before the vote on the contempt of Congress, all of which compromises were rejected and rebuffed by the administration.

The administration now has said it would follow the judge's suggestion, but as of this moment we have had no official contact from the administration, and, Mr. Speaker, it would seem to me that if we do not resolve the matter in the next several days, it would be important to see that the contempt of Congress proceedings which are now pending in the hands of the U.S. district attorney for the District of Columbia would have to go forward in some way or another.

Mr. Speaker, I am still optimistic and hopeful that we can resolve the matter and see if we can go the extra mile to do so without further proceedings.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Thursday, February 3, 1983:

S. 61. An act to designate a "Nancy Hanks Center" and the "Old Post Office Building" in Washington, District of Columbia, and for other purposes.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,  
February 4, 1983.

Hon. THOMAS P. O'NEILL, Jr.,  
The Speaker, House of Representatives,  
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the U.S. House of Representatives, the Clerk received, at 12:05 p.m. on Friday, February 4, 1983, the following message from the Secretary of the Senate: That the Senate passed without amendment H.J. Res. 60.

With kind regards, I am,  
Sincerely,

BENJAMIN J. GUTHRIE,  
Clerk, House of Representatives.

## FURTHER COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,  
February 7, 1983.

Hon. THOMAS P. O'NEILL, Jr.,  
The Speaker, House of Representatives,  
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the U.S. House of Representatives, I have the honor to transmit sealed envelopes received from the White House as follows:

(1) At 12:45 p.m. on Thursday, February 3, 1983 and said to contain a message from the President wherein he transmits the 1982 National Housing Production Report;

(2) At 12:45 p.m. on Thursday, February 3, 1983 and said to contain a message from the President wherein he transmits the 1980 and 1981 National Advisory Council on Adult Education Reports;

(3) At 12:45 p.m. on Thursday, February 3, 1983 and said to contain a message from the President wherein he transmits the 1981 Pipeline Safety Report;

(4) At 12:45 p.m. on Thursday, February 3, 1983 and said to contain a message from the President wherein he transmits the 1981 Annual Report under the Occupational Safety and Health Act of 1970 prepared by the Departments of Labor and Health and Human Services.

With kind regards, I am,  
Sincerely,

BENJAMIN J. GUTHRIE,  
Clerk, House of Representatives.

## ANNUAL REPORT ON PIPELINE SAFETY FOR 1981—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Energy and Commerce and the Committee on Public Works and Transportation:

(For message, see page 1621 of proceedings of the Senate of Thursday, February 3, 1983.)

## AUTHORITY FOR MEMBERSHIP OF COMMITTEE ON THE BUDGET FOR 98TH CONGRESS

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

during the remainder of the 98th Congress the Committee on the Budget shall consist of 31 members.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

#### NATIONAL HOUSING PRODUCTION REPORT FOR 1982—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking, Finance and Urban Affairs:

(For message, see page 1620 of proceedings of the Senate of Thursday, February 3, 1983.)

#### ANNUAL REPORTS OF NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION FOR 1980 AND 1981—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

(For message, see page 1621 of proceedings of the Senate of Thursday, February 3, 1983.)

#### ANNUAL REPORT OF DEPARTMENT OF LABOR AND DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR 1981—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

(For message, see page 1621 of proceedings of the Senate of Thursday, February 3, 1983.)

The SPEAKER. Under a previous order of the House, the gentleman from Kansas (Mr. GLICKMAN) is recognized for 60 minutes.

[Mr. GLICKMAN addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

#### NATIONAL HERITAGE RESOURCE ACT

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. DOWNEY) is recognized for 5 minutes.

● Mr. DOWNEY of New York. Mr. Speaker, today I am introducing a bill

which will do more for America's libraries and museums than a doubling of the budgets of the National Endowments on the Arts and Humanities. This bill, called the National Heritage Resource Act, ameliorates an inequity in the law which allows the owners of artistic, literary, and musical works to take charitable contribution deductions for donating them, while disallowing the same tax treatment for their creators.

Since 1969, when the current restrictions went into place, donations of such materials to museums by their creators have virtually ceased. For example, Daniel Boorstin, the Librarian of Congress, in testimony last Congress before the Senate Finance Committee, stated that before 1969, writers donated 200,000 original manuscripts to the Library each year. Since 1969, the Library has received only one major original manuscript from an author. The Museum of Modern Art in New York City has reported that between 1967 and 1969 it received donations of 52 paintings and sculptures from the artists who created them. However, between 1972 and 1975, only one such work was donated by an artist to the museum. Similar patterns have been reported by museums and libraries throughout the country.

The National Heritage Resource Act of 1983 provides full fair market value charitable contribution deductions for the creators of original works of art, literary materials, musical manuscripts, photographs, and other materials. The papers of public officials remain excluded.

This legislation, being introduced shortly also on the Senate side, is recommended by the Presidential Task Force on the Arts and Humanities. Last Congress, it passed the Senate Finance Committee.

I have included several provisions in the bill which will prevent abuse. These include establishing strict applicability standards, eliminating political papers of public officials, a 1-year existence minimum for artworks to prevent an artistic flurry at tax time, among others.

Perhaps the greatest asset of this legislation is the list of supporters. They include: Council of Creative Artists, Libraries and Museums, Presidential Task Force on the Arts and Humanities, Daniel Boorstin, the Librarian of Congress, American Library Association, American Council on Education, the National Association of Independent Colleges and Universities, American Association of State Colleges and Universities, Association of American Universities, National Association of State Universities and Land Grant Colleges, the American Arts Alliance (400 nonprofit professional arts institutions), the American Association of Museums, the Research Library Association.

Mr. Speaker, for as little as \$5 to \$15 million, we can end the 10-year drought in acquisitions the Nation's great institutions have suffered and show once and for all that the Nation's cultural heritage is important to us.

I include for printing the text of the bill, as follows:

#### H.R. 1285

A bill to amend the Internal Revenue Code of 1954 to remove certain limitations on charitable contributions of certain items

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Heritage Resource Act of 1983."*

#### SEC. 2 CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER

Subsection (e) of section 170 of the Internal Revenue Code of 1954 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end thereof the following new paragraph:

"(5) SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF LITERARY, MUSICAL, OR ARTISTIC COMPOSITIONS.—

"(A) IN GENERAL.—In the case of a qualified artistic charitable contribution—

"(i) the amount of such contribution shall be the fair market value of the property contributed (determined at the time of such contribution), and

"(ii) no reduction in the amount of such contribution shall be made under subparagraph (A) or (B) of paragraph (1).

"(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, musical, or artistic composition, any letter or memorandum, or similar property, but only if—

"(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 1 year prior to such contribution,

"(ii) the taxpayer—

"(I) has received a written appraisal of the fair market value of such property by a person qualified to make such appraisal (other than the taxpayer, donee, or any related person (within the meaning of section 168(e)(4)(D))) which is made within 1 year of the date of such contribution, and

"(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal,

"(iii) the donee is an organization described in paragraph 1 of subsection (b),

"(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under subsection (c)), and

"(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv).

"(C) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS BY PUBLIC OFFICIALS.—Subparagraph (A) shall not apply in the case of any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while such individual was an officer or employee of the United States or



of any State (or political subdivision thereof) if the writing, preparation, or production of such property was related to, or arose out of, the performance of such individual's duties as such an officer or employee."

SEC. 3. TREATMENT OF EXCESS DEDUCTION FOR PURPOSES OF MINIMUM TAX.—Subparagraph (B) of section 55(e)(1) of such Code (relating to alternative itemized deductions) is amended by inserting "determined without regard to section 170(e)(5)" after "deductions)".

SEC. 4. EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 1983, in taxable years ending after such date.●

#### IT IS TIME FOR US TO REMEMBER THE NEGLECTED CONSUMER

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, the last couple of years have not been good ones for the consumers of America. Unemployment, high interest rates, and the recession have stripped them of their money. In addition, the Reagan administration's regulatory practices—or lack thereof—have threatened to sap them of both their strength and their spirit. In a recent speech to the Consumer Federation of America's Consumer Assembly, Mr. Michael Pertschuk, a commissioner of the Federal Trade Commission (FTC) discussed what the present administration has done to consumers in the past—and what consumers can do about it in the future.

This administration campaigned on the promise to get the Government "off the backs" of the American people, for the President believed that American businesses were being tangled in a web of costly and unnecessary regulations. He reasoned that if business was freed from this regulatory bondage, it would become more productive and cost-efficient.

At that time, many of us recognized this so-called reform for what it was—a blatant attempt to erase the last 50 years of work in the area of consumer protection and go back to the days of Upton Sinclair's "The Jungle," when profit-motivated companies behaved with total disregard for the health and welfare of both their employees and the American people.

Like many Americans, I believed that those days were long gone. Unfortunately, I may have been wrong. According to Commissioner Pertschuk, in the past 2 years, "throughout the breadth of the Federal Government, the Reagan administration (has) brewed a poisonous admixture of crude free market ideology and corporate sycophancy." Quite clearly, the administration is trying to bring us back to the days when corporate convenience was more important than everything and everybody else. Commis-

sioner Pertschuk sums up the business community's attitude in one simple phrase: "No more, Mr. Nice Guy."

There is ample evidence of the administration's position on this matter. For example, the Commissioner reported that "the monthly total of consumer complaints to the Better Business Bureau in Denver rose, in 1 year of the recession, from 5,000 to 14,000." He also quoted one Washington attorney as saying that "My clients don't worry about obeying the law anymore because they know the FTC won't do anything."

Commissioner Pertschuk also mentioned another example. It seems that the FTC's Seattle office had received numerous complaints about a survival suit worn by oil rig workers and seamen working on rough seas. Apparently they were all ready to order a recall of the suspect merchandise when an FTC economist suggested that perhaps the agency was acting in haste. Commissioner Pertschuk expressed the FTC economist's views in this way: "Maybe there will be a few drownings; then a few lawsuits; who knows, the market in survival suits may well be self-correcting." Obviously, this regulator—if you can call him that—thought that there was no need for official FTC action when a few drownings and lawsuits would do the trick.

These examples show just how bad things can get when Federal regulators, charged with the duty of protecting consumers, are told not to do so by a President who, in Commissioner Pertschuk's words, considers consumers to be "bugs on the \* \* \* windshield of regulatory removal."

I believe that American voters sent a message to Washington last November. And it was very clear: This administration will not have the consumer to kick around any more. The American people do not want to live in a world where businessmen do not worry about obeying the law. They do not want to live in a world where people have to drown before something is done to remove bad merchandise from the shelves. And they do not want to live with an administration that wants to live in that kind of world.

So, where do we go from here? I think it is worthwhile to consider some of Commissioner Pertschuk's remarks on the consumer movement:

The consumer movement does not stand for excessive regulation or centralized bureaucratic excrescences. Consumer leaders have joined and led regulatory reform efforts. The consumer movement does stand for responsive government intervention in the marketplace: "the public restraint of private greed."

Though the present administration does not seem to understand the meaning of that last phrase, I believe that there are many of us here who do. Let us try to demonstrate our knowledge to the American people, for

"the public restraint of private greed," it seems to me, is not only their wish—it is also our duty.●

#### INSANITY DEFENSE LEGISLATION

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

● Mr. CONYERS. Mr. Speaker, last summer, the verdict in the Hinckley case seriously undermined the public's faith in the American criminal justice system. Despite Mr. Hinckley's eventual hospitalization, the people of this Nation were left with the perception that if one is rich enough to hire a sufficient number of psychiatrists, one can shoot the President and get away with it.

It is in this manner that the insanity defense has an impact far beyond the infrequent acquittals that result from the defense; it has fostered disrespect for the criminal justice system. Yet it is respect—the belief that punishment will be sure and just—upon which the deterrent value of our system depends.

These concerns, however, should not prompt us to overreact and abandon the insanity defense. Fundamental to the Anglo-American criminal justice system is the principle that, except for certain regulatory offenses, we punish only those who are morally blameworthy. We do not believe that those who are psychologically unable to understand the wrongfulness of particular conduct can be held morally responsible. To abandon the insanity defense could easily be the first step toward a radical and dangerous separation of punishment and responsibility in the operation of criminal justice.

It is for these reasons that, last Congress, I introduced legislation that would address the deficiencies of the current insanity defense without abandoning the principles that justify its existence. That legislation, and other proposals for reform, were the subject of 5 days of hearings. Those hearings prompted a number of amendments to my bill, subsequently reported by the Subcommittee on Criminal Justice. Unfortunately, the press of business during the remainder of the Congress precluded further action on the legislation.

I am therefore today reintroducing the legislation which was reported by the subcommittee, with one major modification, discussed below. The Subcommittee on Criminal Justice will presently commence hearings on this, and related legislation. I am confident that, with this early start, we will see reform of the insanity defense enacted this year.

The bill would, first, modify the definition and proof of the Federal insanity defense. The American Law

Institute (ALI) test, in use in the vast majority of Federal circuits, is a modernization of the traditional McNaghten and volitional tests. It provides for acquittal if the defendant lacked substantial capacity to appreciate the wrongfulness of his or her conduct, or to conform that conduct to the law. The latter (volitional) portion of this test has been severely criticized, primarily for its ambiguity and the difficulty of its practical application. The bill would also eliminate this portion of the defense. It would eliminate other vague language, and includes provisions to prevent so-called antisocial personalities—sociopaths, psychopaths—from invoking the defense. These changes in the defense have recently been endorsed by the American Psychiatric Association and are, this week, being presented for approval to the House of Delegates of the American Bar Association by its standing committee on criminal justice standards. A similar reform is proposed in legislation introduced by the chairman of the Senate Judiciary Committee and over 30 cosponsors.

The legislation would also require that a defendant prove insanity by a preponderance of the evidence. There is no constitutional or historical necessity for requiring that the prosecution, once it has proved both the mental and physical elements of a crime, disprove a defendant's claim of insanity beyond a reasonable doubt. This problem, more than any, seems to have been the concern following the Hinckley acquittal.

Second, the legislation would prohibit an expert witness, such as a psychiatrist, from offering an opinion at trial about whether a defendant was insane. From the law's standpoint, insanity is a question of fact, to be resolved by applying legal principles. The law's definition of insanity is derived from moral principles. Although the law requires the existence of a mental disorder, that disorder alone is not sufficient to establish the defense. Psychiatric testimony may provide valuable data to the factfinder, but that factfinder must make the ultimate decision. As far as the law is concerned, insanity is not a psychiatric diagnosis. This particular change in the law was also recently endorsed by the American Psychiatric Association.

Expert witnesses are limited in other manners. Testimony during the hearings demonstrated that it is impossible for anyone—expert or layman—to predict that a particular person will commit future dangerous acts. Thus, the decision to commit a person depends upon whether the risk of danger is sufficient to justify the removal of the person from society. This is a social and political decision, more properly made by the court than by a doctor. Thus, while experts can provide courts with testimony regarding

the risks of future dangerousness, they are prohibited from offering an opinion about whether that risk justifies commitment.

Expert testimony is subject, under the provisions of the bill, to one additional limitation. Although psychiatric diagnoses are clearly within the expertise of doctors, such diagnoses are of little help to a jury. The same facts and opinions can be presented to a jury in lay language, by describing the objective observations and symptoms upon which the diagnosis is based. The actual use of the diagnostic term will serve little purpose other than to confuse jurors, many of whom may have preconceived ideas about the meaning of the term. Thus, testimony regarding a specific medical or psychiatric diagnosis is prohibited.

Third, the legislation would, for the first time, establish a Federal commitment procedure. The Federal Government and the American public have a clear interest in providing treatment for persons acquitted by reason of insanity in Federal court. The current situation, whereby the only possible treatment is through State civil commitment procedures, constitutes an abdication of Federal Government responsibility. Under the proposed procedure, a defendant acquitted of a violent felony by reason of insanity would be presumed fit for commitment. Commitment and treatment would be under the control of the court. In addition, a new provision has been added to this bill, which would require that a person released from commitment undergo a long period of supervision, and remain subject to recommitment.

Finally, the bill would reform Federal procedures for dealing with those incompetent to stand trial, modernizing those procedures and bringing them in accord with constitutional law.

#### A summary of the bill follows:

##### SUMMARY OF INSANITY LEGISLATION

Section 1 of the bill modifies the insanity defense used in Federal courts by adding new section 16 to title 18 of the United States Code.

Subsection (a) of new section 16 would establish a uniform definition of the insanity defense for Federal courts. The majority of Federal courts currently use the American Law Institute test, providing a defense of insanity when the defendant "lacked substantial capacity to appreciate" the wrongfulness of conduct or to conform the conduct to the requirements of the law. The legislation would remove the ambiguity of this language and narrow it by requiring for the defense that a defendant "did not understand" the wrongfulness of the conduct, essentially returning to the M'Naghten test.

Subsection (b) of new section 16 would require the defendant to prove insanity by a preponderance of the evidence. Current law requires the government to prove sanity beyond a reasonable doubt.

Subsection (c) of new section 16 would preclude the so-called "anti-social personali-

ty" (psychopath, sociopath) from claiming the insanity defense.

Subsection (e) of new section 16 would establish three possible verdicts for a case in which insanity has been raised as a defense: "guilty", "not guilty", and "not guilty only by reason of insanity".

Section 2 of the bill amends the Federal Rules of Evidence to preclude expert witnesses (e.g., psychiatrists) from offering opinions as to the ultimate question of whether the defendant understood the wrongfulness of the conduct, and the ultimate question of whether the defendant should be committed. Testimony on diagnosis is prohibited.

Section 3 of the bill revises Federal procedures for dealing with persons who are mentally incompetent to stand trial. Some of the provisions are necessary to comport with recent court decisions. Chapter 313 of title 18, United States Code, is amended as follows:

Section 4241 would provide for a screening examination whenever any party alleges incompetence to stand trial. The court could also order a screening examination on its own motion.

Section 4242 would provide for a more complete mental examination regarding competence if the screening examination suggests that the defendant is incompetent. A defendant may demand a hearing on the need for a more complete examination if the court initially decides against such further examination. The examination would be conducted on an in-patient basis only if the defendant is dangerous, already in custody, or likely to flee, or if in-patient testing is necessary. A report on the test must be filed, and the contents of the report are specified. Statements made by the defendant during the examination are not usable against the defendant in criminal proceedings.

Section 4243 would provide for a hearing on the issue of competence. Provision is made for additional examination by a mental health examiner of the defendant's choice if so requested. If, after the hearing, the court determines that the defendant is incompetent, then there is a hearing on the likelihood of the defendant's recovery and appropriate treatment. The defendant must be ordered to be treated unless treatment has already exceeded 240 days, or there is no substantial probability of recovery. In such a case, non-serious charges are dismissed. The court is also given the discretion to dismiss charges rather than order treatment when the seriousness of the charges or the likelihood of conviction would not justify the oppressiveness of the particular treatment required.

Section 4244 would provide the treatment following an order under section 4243. The court must specify the facility for treatment, which may be inpatient only when the defendant is dangerous, likely to flee, or otherwise in custody, or when in-patient treatment is necessary. The Secretary of Health and Human Services is required to issue regulations ensuring that controversial treatment techniques such as psychosurgery, electric shock, and psychotropic drugs be used after the informed consent of the patient, or of the patient's guardian and the court. The section also provides for the resolution of certain issues while the defendant remains incompetent, and for trial while the defendant is receiving medication.

Section 4245 would provide for the transfer to State authority (1) of persons who have received the maximum treatment for



incompetence to stand trial, have not recovered, and are appropriate for civil commitment, and (2) of convicted persons whose prison terms are about to expire and who appear dangerous due to a mental disease or defect.

Section 4246 would restate current law regarding the Board of Examiners.

Section 4247 would restate current law regarding incompetence undiscovered at trial.

Section 4248 would provide for transfer of a prisoner to a mental institution upon a showing by clear and convincing evidence that the prisoner is in need of treatment.

Section 4249 provides definitions of terms used in chapter 313.

Section 4 of the bill establishes Federal commitment procedures for persons found not guilty only by reason of insanity. Current Federal law has no procedures for dealing with such persons. A new chapter 310 would be added to title 18 of the United States Code as follows:

Section 4171 would provide the mandatory examination of persons found not guilty by reason of insanity of violent felonies, and discretionary examination of all persons found not guilty only by reason of insanity.

Section 4173 would provide for a hearing on the defendant's dangerousness following a report under section 4172, or following a report on the defendant's treatment under section 4174. (A defendant may request an additional examination by an examiner of his or her choice.) Following the hearing, the court must order the defendant committed or recommitted for treatment if it finds by a preponderance of the evidence that the defendant presents a substantial probability of danger to any person (including the defendant) or to property. A defendant found not guilty only by reason of insanity of a violent felony is presumed dangerous, and the defendant must prove nondangerousness by a preponderance in order to avoid commitment. In the event, however, that the treating facility (following treatment) finds that the defendant is no longer a danger, then continued treatment is ordered only if the court finds dangerousness by clear and convincing evidence. A person released following treatment may only be released conditionally.

Section 4174 would provide for treatment of a person found not guilty only by reason of insanity. The court must specify the facility at which treatment is to occur. A report on the person's condition must be made to the court each year, or whenever it appears that the person no longer presents a danger. The section also requires the Secretary of Health and Human Services to provide regulations to ensure that controversial treatment techniques (such as psychosurgery) be used only after informed consent.

Section 4175 would provide that a person conditionally released under section 4173 will be supervised by a probation officer. At a minimum, a person conditionally released must report to the probation officer, permit reasonable home and work visits and obtain approval before leaving the jurisdiction. In addition, a court may require such persons to receive treatment (including psychotherapy) and or medication as a further condition of release. Once a person has been arrested, the court must order an examination and hearing in accordance with sections 4172 and 4173(a). If the court finds by a preponderance of the evidence that the person is likely to pose a danger to any person or would substantially damage the property of another, the court must recommit the

person for treatment under section 4174. In any other case, the court must reinstate conditional release. It may modify the conditions, if the court finds by a preponderance of the evidence that the person violated a condition or that in the absence of such a condition commitment would be justified.

Section 4176 would provide general provisions for chapter 310. ●

#### VETERANS' AFFAIRS

The SPEAKER. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, I am most pleased to inform my colleagues today that the ranking minority member of the Committee on Veterans' Affairs, the Honorable JOHN PAUL HAMMERSCHMIDT, and I are introducing a resolution that would express the sense of the Congress that the Administrator of Veterans' Affairs should be a member of the President's Cabinet. I am also pleased to inform my colleagues that the measure has been introduced in the Senate by the Honorable ALAN CRANSTON, the ranking minority member of the Committee on Veterans' Affairs, and cosponsored by the chairman of the Senate Veterans' Affairs Committee, the Honorable ALAN SIMPSON. I would hope this bipartisan effort reflects the sentiments of every Member of the House and Senate.

I think it is time, Mr. Speaker, that we recognize the importance of programs we have in place for veterans. I hope this proposal will lead to the establishment of VA as a department rather than an independent agency.

Establishing the Veterans' Administration as a department rather than an independent agency will show that we are giving the highest priority to veterans and their dependents. This Nation has approximately 30 million veterans. Programs for their health and welfare include: income maintenance, health care, insurance benefits, burial benefits, housing, education, and a variety of other benefits and services. Veterans represent a good cross section of all our citizens and I do not think there is a more important position in Government than the Administrator of Veterans' Affairs. He cannot, in my view, represent our Nation's veterans as he should unless he sits as a member of the President's Cabinet.

Mr. Speaker, I do not think too many people fully understand the magnitude of VA programs and the impact of these programs on the lives of so many American citizens. For example, in the most recent fiscal year for which data is available—fiscal year 1981—the programs included:

The sum of \$12.3 billion for compensation and pension payments to 4.6 million veterans and survivors; an-

other \$0.2 billion went for burial and other benefits;

The sum of \$2.3 billion for educational assistance payments to 1.1 million trainees, and special assistance to disabled veterans.

Treatment of over 1.3 million patients in 172 hospitals in the United States and Puerto Rico.

Operation of the fourth largest individual life insurance program in the United States.

Over 187,000 home loans to veterans. Since the beginning of the program in the 1940's VA has guaranteed or insured over 10.3 million loans.

Maintenance and operation of 108 national cemeteries.

The third largest employment level among Federal agencies.

Provision of almost 248,000 headstones and markers for the graves of eligible decedents.

Interment of nearly 42,000 eligible veterans and dependents in national cemeteries.

These figures are substantially higher in projected programs for fiscal year 1984.

Mr. Speaker, the Veterans' Administration is larger than five executive departments. These include the Departments of State, Labor, Commerce, Transportation, and Justice. It employs more than 220,000 people; more than any other Federal department except for the Department of Defense. Veterans' benefits and services constitute the fifth largest budget function; those larger include social security, national defense, interest on the national debt and Federal health programs, excluding VA.

Mr. Speaker, I am not advocating that we expand Government. I am not suggesting that we create an additional Federal entity. What I am suggesting is that the Veterans' Administration be converted from an independent agency to a department because of the magnitude of the programs it administers and the importance of such programs to so many American citizens. It could be accomplished by simply changing titles of positions and making a few other paper changes.

There is no greater obligation the Nation owes to any other group of Americans than those who were drafted or who volunteered for service to fight in far away lands for our country's freedom. If I were the President I would want the head of the Veterans' Administration to attend every Cabinet meeting. I would want him to be a part of the decisionmaking process. I would want his counsel when establishing public policy.

It is a credit to President Carter that he recognized the importance of this position and invited Max Cleland, then Administrator of Veterans' Affairs, to attend all Cabinet meetings. President Reagan has been a strong

supporter of veterans and has placed a high priority on their programs, and I know he cares about their welfare.

This resolution, Mr. Speaker, simply suggests that the President should officially recognize the Administrator and the programs he administers by giving him Cabinet status. The time has arrived for the President to take positive action to recommend to the Congress that the Veterans' Administration be converted from an independent agency to a Cabinet department. All of the veterans organizations have placed this issue as one of their top priorities for the 98th Congress. I am certain, Mr. Speaker, that both the House and Senate will support our effort and hopefully we will see something coming from the White House that will carry out the wishes of Congress and the veterans organizations when this resolution is adopted.

I invite all Members of the House to join us in cosponsoring this resolution. ●

#### HOUSING AND COMMUNITY DEVELOPMENT AUTHORIZATION

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, this year, thanks to the leadership's recognizing the priority that some of us had been trying to produce for 2 years in the matter of housing and community development, the saving of our cities is recognized this year because the housing authorization and the community development authorization is H.R. 1.

Symbolically, I cannot tell my colleagues what this has meant throughout the land, not only among the people who are directly affected in this enterprise known as housing and related activity, but also those attempting to govern our municipalities under current fiscal conditions. We tried to alert the membership of the Congress 2 years ago, and then again last year, from the subcommittee that I have had the honor of chairing for the last 2 years, the Subcommittee on Housing and Urban Development. This is the largest subcommittee in the whole Congress; as a matter of fact, there are only eight members of the full committee that do not belong to the subcommittee.

This is what the members feel is the priority or the urgency of the subject matter over which this subcommittee has jurisdiction. I tried unsuccessfully to point out to my colleagues and the leadership 2 years ago that the main thrust of President Reagan's so-called economic recovery plan would have an adverse impact of over 80 percent on these activities over which this committee has jurisdiction, one that in my opinion is of the most vital and intimate kind in our society, in our struc-

tured societal and governmental framework of reference. We pointed out that we had the most extensive and comprehensive number of hearings, not only in Washington but out in the field, for the first time in the history of the committee and in fact for the first time in the history of the Congress as this committee went out into the field.

□ 1215

In fact, we went no more than a 1½-hour drive from this Capitol to the Eastern Shore and discovered conditions among not only housing but related conditions among the migrant workers.

Incidentally, that title "migrant worker" is more complicated than you would think. The average citizen has a very simplistic definition, but it is a little bit more complex than just the idea of a traveling worker.

But right here, within a 1½-hour drive of this Capitol, and, incidentally, it is happening again, you have conditions that simply are intolerable to America. We have no better situation with those workers than the most dismal working conditions in the Third World, in the poorest of the poor.

The situation has been very little remedied at all even though we did temporarily succeed year before last in having the Governor of Maryland intervene, at the end of the season, however, with the promise that the situation would be corrected in time for this last year's crop raising and production.

I am sorry to report that has not been the case.

You have situations in which we did uncover and other incidents were reported of so-called slave working and slave working conditions, servitude under situations that would be described by any objective standard as slavery. Let us not even talk about housing.

We also went into the urban areas, the most dense. As a matter of fact, as I said, and I repeat, this subcommittee had more hearings, we had more field visits than ever in the history of any.

I went, because I could not get even one other subcommittee member in order to conform to the rules, into seven States in addition to the five that the subcommittee did officially go to. We went, as I said, from the Eastern Shore, Delaware, the tip there where these three States come together and join, Virginia and Maryland, to New York, to Texas, Oklahoma, California, Arizona, and others in between.

It is our intention to continue this this year, though unless we are budgeted we will be limited as we have been in the last 2 years.

This subcommittee, the largest in the whole Congress, has the least number of staff of even committees

that have one-third the number in membership. I am not complaining about that. What I am saying is that what we found out from the American people in every sector is that we have had a crisis condition for some time while an administration is in power that has captivated not only the means of communication but the forging of policy on the congressional level with a total obliviousness of this condition of crisis.

It has now reached the point, after the hearings we had in December on an emergency basis right here in the Capital where you do not have to go to Bombay or to Calcutta to see people dying because of exposure to the vicissitudes, to the climate, or lack of food. We have that right now right here in our own country, not counting the abysmal conditions that still exist as if this were 60 or 50 years ago, and I personally can remember in my own home State the conditions among the so-called migrant workers or the farmworkers.

I believe that where the leaders will not lead the people will push. But what concerns me very much is the manner and shape and form in which the people eventually will push because people are people whether they are in America, whether they are south of the border, or whether they are north of the border, or whether they are in India, or whether they are in Africa. There is a limit to the tolerance of people.

Americans seem now to express quite a bit of surprise, as I can recall during the Depression. I am a product of the depression era. I am old enough to remember.

I am also in a way blessed with a very good memory, almost total recall. It has been very, very frustrating, almost demoralizing, to see what is happening to our country now without any need for it having to happen.

We have been having an induced depression, unfortunately with the collaboration of the majority of the Congress in the last 2 years.

The fundamental critical issues long overdue for addressing by the Congress are not even now being done so. So year before last, after we had the first hearing in the metropolitan dense areas, and then began last year in the summer when we had further hearings in the field and also hear in Washington, I pointed out in the Record that the patience would soon be out and that we would begin to see in our country such things as have already been registered, and for some time in Berlin, in Brussels, in Paris, in London, of rent squatters, violence resulting from that because of the similarity of conditions that had crept into those societies as now confront America, particularly but not exclusively in the dense urban areas.



The truth is that there is as much if not more dire need and poverty in the rural areas and very particularly in these very special sectors of a minority within a minority known as migrant workers. It seems to me folly, as it always has since I have been in politics, to sit and wait until something happens, that you do not have to be a prophet, a seer, a genius to know it is inevitable, reading human history and not do anything by way of anticipatory action.

So I, after much insistence, was able to get the staff to research the statutes for those bits of legislative action that had worked, the Homeowners Loan Corporation, for example.

On the basis of the research, even though frankly I had more information than even was forthcoming here at this time in the 1980's because of my having accumulated and retained much of the publication that was acted upon in the 1930's, so we finally drafted in last year's authorization act on housing, which the administration sternly and vigorously opposed every inch of the way. In fact, I was notified that if we had any provision such as this section 6 I am referring to, which is an emergency home mortgage assistance section, that the President would veto.

Not only were we frustrated in that regard, but in the entire question of whether we would have an authorization bill on housing or not. So for the first time in 40 years the Congress did not have a housing authorization bill last year.

This year, as I say, and repeat, I am fortunate. I think finally the recognition of the priority and the sense of urgency has penetrated and it is now known as H.R. 1. However, it is later than we think and it seems to me that with the advent of the violence and now attendant with respect to the so-called independent truckers strike which, incidentally, call it what we will, is an act of desperation, of protest against an unjust law and an unjust tax. Some of us try to do everything we knew how to fight it month before last. But we were dismayed to see the copartnership of the leadership of the Congress with the President who has abdicated every pledge he ever made during the campaign and since with respect to the nature of taxation, the need for additional taxation, and particularly the unjust form of taxation in which those least able to pay our tax and those most able to pay are forgiven their taxes to the tune of over \$750 billion over 5 years.

How in the world would this hemorrhage of the Treasury, how in the world can the Government have anything but colossal deficits such as it is now confronted with total disregard by the President in his chats over the radio as late as last Saturday, and by any of his supporters in either House.

All of this impacts on what plainly the handwriting on the wall tells us. What, if anything, will and can be done as in the case of the truckers when we have squatters sitting down or taking over property, public or private?

What is being done now in anticipation of the emergency needs just in that one aspect now of homelessness or helplessness?

Many people were shocked with incredulity just like I remembered during the depression. I remember fine Americans saying, "How come? Why should we be walking the streets eager, willing, wanting to work, prepared to work, and not be able to work? We cannot feed our kids. We cannot pay rent. Why?"

□ 1230

Why is that happening to us? The same questions are being asked now. Why is this happening to us? Not among what we have popularly pictured as the homeless, the folks sleeping on the streets, in the parks, under the bridges, the alcoholics, the poor, poor derelicts, so-called. I do not call them that. They are human beings. And there is no more reason for them to be derelict than there is for us to be comfortable and well fed and clothed and warm. I think that no society can long tolerate without social disruption. This is my concern. It is my hope that at least those sections will be addressed, God willing, in legislation to be introduced tomorrow as separate bills on an emergency basis, that is, the emergency homeowners market assistance legislation, both for rural, as well as urban.

As I was starting to say, the hearings brought out not alcoholics, not the neer-do-well, not what the President pictures to us with great revulsion as that food stamp recipient who goes and gets a bottle of gin with the food stamps, which was never true, was a base lie. I cannot think of anything more reprehensible of any American in any capacity of leadership, whether he or she is President or whether he or she is just any politician or citizen, because what that is doing reintroducing, like never before, with a vengeance, what we have escaped from in Europe thus far—the stratification of classes, this mean spirit of hatred to the poor. This is now the spirit of the land, believe it or not. And for the first time, as I said here 2 years ago on this floor, we have the making of what people in Europe and thinkers have called a lumpen proletariat.

The American dream is dead if we allow that to succeed. I do not think America will. In visiting these various areas and talking to Americans in every geographic section of the country, the great inspirational thing has been to see how they think. I think it is always imperative to get away from

Washington, to go to the same areas and atmospheres, and this is why it has always been a wonderful privilege to go out in the field and have these hearings and hear just from the plain, common folk, those wonderful folk that make up American reality. But they are looking to us. They do not see anybody responding on this level that they can really differentiate between Tweedledee and Tweedledum.

You ask why the majority of the citizens in America qualified to vote do not bother to go to the polls. Why should they if they have no perception of having any real choice, and when the choice comes in violent protest against laws that plainly, on their face, are unjust and very, very limitedly debated, even in the Congress while being passed and considered.

I daresay the average citizen, in the case of this last tax on certain categories of truckers and gas users, would say that all it was was a 5-cent increase in the users' fee on the gas tax. But it was never just that. That was the least impact. The biggest impact was elsewhere, and everything that went into that package that I can tell you I never saw reported in the newspapers.

This is what the protest is all about by whom? The big fleet of truck owners? No. The small guy, the independent guy that will have to pay \$2,000 instead of \$200 for his license, that will have to pay more for his tires in this category. And in the meanwhile, the dishonesty—I cannot think of any other word—on the part of those promulgating it, such as Secretary of Transportation Drew Lewis and the President himself, who said, "Oh, this tax is going to make those who use and help deteriorate and destroy the roads pay their share."

Nothing could be farther from the truth. As a matter of fact, they have turned loose on the highways, as soon as the law is effective, the real killer trucks. They are doubling the size of the truck. They are widening the size of that truck. And any of the citizens and my colleagues who have been on the roads lately, as I have, I think will have experienced even under present dimensions what hazards that entails. Wait until these killer trucks, made possible by this so-called 5-cent tax on gas, hit the roads. In the meanwhile, the little guy that must have that as his livelihood, one truck, has it socked to him. He is going to bear the overwhelming preponderant burden of this tax in more ways than one, not just the tax, which in itself will be onerous for him.

So that we translate that into these other fundamental areas. After all, there are three fundamentals in human existence: Food, clothing, and shelter. And what I am saying is, we are in a state of crisis with respect to

shelter, with very little awareness, very little awareness, and with a sense of priority. And it is with this genuine intent that we were most fortunate in having our good leadership recognize the sense of urgency by designating this Housing and Urban Development Act. We call it the Housing and Urban and Rural Recovery Act for 1983.

So it is my hope that we will have action on H.R. 1 itself by next month. But in the meanwhile, the emergency provisions with respect to foreclosures, the rate of foreclosures, has reached a number in excess of the highest rate at the height of the Depression. This hardly seems like recovery, or even the beginning. It seems to me like a disaster that unforgivably should never have happened. There was no reason for it, any more than there is any reason for its continuance now.

All I can say is, in termination, that all these attempts on the part of the last few Presidents we have had, I call them the advocates of blight and despair that have no faith in this country and its destiny, will not be able to straitjacket this country. This country is dynamic; it is active; it is vibrant; it is virile. And I do not care whether it is the Congress or the President, it will not be straitjacketed, at least not for long. It is just the manner and shape and form in which those binding constrictures will be torn off that really worries me, because our society, as strong as it is inherently, is also brittle. We continue to take it for granted, but we have got to work at it. It is not self-perpetuating. And we have got to work at it.

H.R. 1 is the attempt by some of us on the congressional level to respond to the obvious needs of the American people, and I think eventually we will succeed. Hopefully, in time.

At this time, Mr. Speaker, I present for the record the remarks in my address yesterday to the opening and convening session of the annual meeting of the National Association of Housing and Redevelopment officials here in Washington:

REMARKS OF REPRESENTATIVE HENRY B. GONZALEZ

I welcome the opportunity to join you this afternoon. Now that the Super Bowl game is over, it's time to turn to the other Super Bowl, Round III of Reaganomics.

The contest is really very simple. It is a match between those of us who believe that the Federal government has a positive role to play in alleviating economic and human distress, and those who don't believe that.

This contest is shrouded in the fog of economic forecasting, beclouded by the thunderheads of monster deficits, and buffeted by the winds of presidential politics. But beneath all the posturing, below all the high theory, the real issue is whether or not the Federal government is going to continue or abandon its commitment to decent housing, decent cities, and decent hopes for human beings. Every policy, every theory, and every action of government has one aim and one aim only—to affect the course of indi-

vidual human lives. If the Federal government abandons housing programs for the poor, for the elderly, for the handicapped—that affects individual human beings, just as surely as carrying those programs forward affects individual human beings. Doing nothing, or doing less, is just as much an action as anything else.

The challenge is very simple. We either believe that we can help each other, or we don't. As a nation, as a wealthy nation, we either use our power in behalf of the powerless, or we use it in behalf of the powerful. We either share a portion, or take it all.

You do not have to walk more than two blocks from this building to find immense human need—people who have no shelter, people who have no income, people who have no food. This is in the center of the most powerful city in the most powerful nation on Earth.

You do not have to look beyond the day's newspapers to know that one out of every eight Americans is out of work. And we are being told that seven per cent unemployment is as good as we are going to get. I can remember when seven per cent unemployment was a crisis—but today we are being told that this is pretty close to full employment, and we are being told that certainly this is the best we can expect for the next five years or so.

You do not have to move a half mile from here to find housing that is below any acceptable standard, beyond any real hope of redemption, and yet priced beyond the reach of anyone who is even close to poor. I would challenge any one of you to search this city for a rental house, a decent rental house in a decent neighborhood, one that is of decent size—for less than six hundred dollars or so a month. It can't be done. And yet we are being told that there is plenty of housing—just a shortage of people who can afford it. That's what we have heard from the Administration for these past two years—that there is no shortage of housing, just an affordability problem. That's like saying there is no shortage of Cadillacs—just an affordability problem.

We are being told that there is no need to worry about any of this. We are being told that in the future, everything will be better. Meanwhile, they say, the best way to help those who are economic cripples is to kick their crutches away. That's the tin cup theory of aid to the handicapped.

Who is it that is telling us there is no need to do anything about housing? It is the resident of Public Housing Unit Number One, across the park there. It is the comfortable who don't see any problem. But I say, and the majority of my colleagues say, there is a problem. We say that there are solutions. And we say that the time to move is now.

For two years, we have been frustrated in our efforts to devise a responsive, meaningful program to carry forward the work of housing and community development. We have been able to stop the wrecking crew's worst assaults, but we have been unable to do what we hoped to do. But the climate is changing. This year, we have a reasonable chance for reasonable housing and community development legislation.

We not only have a chance, we have gained a high priority. The housing bill this year is H.S. 1, and that is the priority that The Speaker has assigned to housing programs this year. The first action of the Banking Committee will be a housing program. The first major legislation of this Congress will have in it an emergency hous-

ing program. Not far behind that, we will report out and act on, H.R. 1, itself.

During these last few days the House leadership has been putting together an emergency economic program. I understand that the Senate leadership itself is working on its own program—which means that everybody whose mind isn't a clone of Calvin Coolidge, has had enough of Reaganomics and is ready to get the country moving again.

The House program will first of all seek to alleviate the distress that has come about because of long-term joblessness. There are five million Americans who have been out of work for better than three months—two and a half million who have been unemployed for more than six months. Of the ten and a half million registered unemployed Americans (and remember there are a million and a half more, who don't show up on the rolls) less than half are getting any kind of unemployment compensation. These are ordinary hard-working Americans of every skill and description, from lawyers to laborers, architects to zoologists—who have become impoverished. These are people who face foreclosure, which means the loss of their life savings. These are people who face hunger. These are people who have lost their health insurance. These are people who face eviction. These are citizens who would work if they could, who've paid their taxes, who have fought our wars, and who have supported their communities. The first priority of the Democratic emergency program will be to try and put a bandage on their financial hemorrhage. Our program will provide for emergency mortgage assistance, to enable people to keep their homes, keep their hopes, and keep their dignity.

This emergency mortgage assistance program will be very similar to that we offered last year, and which the Administration opposed at every step of the way—so much so that they assured me of a veto for any housing bill that carried emergency mortgage assistance. Even though this aid would be in the form of loans, loans that bear interest, and even though these loans would be secured, the Administration said, "Nyet." They said, "Nein." They said, "Never." Well, so much for the social safety net.

The Democratic emergency program will also provide for emergency shelter. In December, I held the first Congressional hearing since the Great Depression on the problems of the homeless. What I found was that there are vast numbers of homeless people who are not addicts, who are not alcoholics, who are not derelicts—who, in fact, are ordinary people. These are people who six months ago had their own homes, who had jobs, who had futures. These are the casualties of Reaganomics. They need help, and I intend to see that they get it. I propose to provide funds through the Community Development Block Grant mechanism to cities that will develop and operate emergency shelters. Most cities already have in place an emergency shelter program—but many are overwhelmed, and no city has enough shelter to meet anything approaching its needs. I believe that we can operate this program very effectively, since the administrative mechanism of CDBG is already in place and since most cities already have at least the beginning elements of a program in operation. I propose a \$100 million program to provide emergency shelter.

But my objective is to do more than provide relief. We have to provide reconstruction and rehabilitation as well. And in that



process, housing and community development must play a key role.

The Administration is determined to turn Community Development Block Grants into a program of general revenue sharing. I am determined to see that this program keeps its identity—that it is directed toward meeting the greater physical needs of our cities and towns—not diluted into a substitute for local tax efforts. The Administration has argued that block grants should be developed for certain general purposes—like education or health care. But now they are taking the first block grant developed for such stated purposes and trying to make it into revenue sharing. Not only do they want to kill the purpose of the program, they want to slash at its funding level. It is a variation of the old, and basic theme of this Administration; namely, that doing nothing is doing best. They believe that if we do nothing to revitalize city centers, that's the best thing. They believe that if we do nothing to provide decent and affordable housing, that's the best thing. They believe that if we do nothing to replace what is worn out, if we do nothing to revitalize what has the potential to be revitalized—then that is the best policy. But you and I know, just as the turn-of-the-century muckrakers, who documented the misery of the left-out, left-behind, city—that too little trickles down to house the poor, too little slops over the rim of the golden goblet to rehabilitate slums, and that unless there is a community effort, unless there are government resources brought to bear, the great, accumulated needs overwhelm the resources of the few who care, who seek to do by charity what the whole community, alone, can do.

The Administration made clear its design for Community Development Block Grants in their announced regulations last year. Those regulations would not just eliminate any requirement that grant recipients make a clear effort in behalf of areas and people most in need—but would eliminate any meaningful review. The overall impact of the proposed HUD regulations would effectively destroy any meaningful planning, any meaningful review, any meaningful targeting—and, ultimately, any meaningful impact of the CDBG program. And after one or two or three years of operating in that kind of regime, the obvious would happen: CDBG would become diluted, its impact dispersed, and then we would hear this argument. "Well, you see, the program just isn't effective." What the administration aims to do is to create the conditions that would later justify eliminating this program altogether.

Last year, the Housing Subcommittee held hearings to review the proposed CDBG regulations. Every witness, virtually every community and community organization that we heard from, said the same thing: "Don't turn this into a revenue sharing program. We want a program that has clear objectives. We want a program that ensures that funds go to the places where it is most needed. We want a program that continues to have a real impact, a positive benefit."

The Department of Housing and Urban Development promised that they would consider our objections, and get back to us. So far, nothing has happened. We now face the situation that unless the committee issues a resolution of disapproval by March 4, the proposed CDBG regulations will go into effect. What we would then have would be not CDBG as Congress intended, not a program that is clearly targeted; we would have just another chunk of general revenue sharing money.

As I have said, if we allow these regulations to go into effect, the CDBG program will soon become so diffused that it will lose both its impact and its identity. It would then be a program with no genuine constituency, and it would be ripe to fold into general revenue sharing. Not only the poor would lose—but cities would ultimately end up with far less money overall than they receive today.

I insist that the CDBG program should continue to operate as it was intended, as Congress intended. And I assure you that I believe the Banking Committee will not hesitate to approve a resolution disapproving the proposed HUD regulations, unless the Administration makes substantial changes in them, which they assured us they would in all probability do. I am waiting to hear from HUD, which I presume will speak when and if OMB removes their gag.

I not only believe that CDBG ought to be preserved in its intent and direction—I believe that CDBG can—and will—play an important role in hauling the country out of the economic ditch that it has been in for these past two and a half years.

We have in CDBG a program that has a backlog of identified community needs. We have a mechanism to administer program funds. We have a corps of people who know how to put programs into operation. There could be no better vehicle for an economic stimulus program than CDBG.

I intend to offer, and believe that I will find support for, a \$1 billion expansion of the CDBG program.

This would be a program with a high employment impact. It would be a program with a quick development—because the mechanisms are already in place, and vast number of projects are already identified and planned.

This would be a program that would make a difference. It would not just put people to work, it would put in place projects that communities desperately need.

I do not believe it makes any sense to have millions of skilled people out of work for an indefinite length of time. It is not enough to say that some day this will all get better. I believe that we must invest in our human resources, and we must invest in our communities. We must allow our people to do what they want most to do—and that is to work at building our great country. I am firmly convinced that an expanded Community Development Block Grant Program makes sense, I will work for it, and I ask for your support of it.

While you and I are working for expanded community development efforts, the Administration is continuing to sluice water under the foundations of another critically important program, UDAG. They are telling us that investors just aren't coming in on UDAG projects, so they can't expand all the available funds—especially in rural areas. Why is this? Well, it is true that economic conditions are not all that attractive for investors. But it is also true that the Administration has refused to move one iota to accommodate that hardship—to make the program more workable. They have stuck with the high leverage requirements, which would be fine in boom times. But what is needed is an accommodation to today's reality—which is a climate in which investment risks have to be small in order to be attractive. The fact is that the Administration is simply not willing to make the fullest use of UDAG—and so they fail to relax the very stringent leverage requirements that are in place. If they did reduce those re-

quirements, if they did reduce the investment risk, we would have a program that is fully used and fully effective. The question is whether that will be done. And I believe that unless the Administration does move to make this very practical, effective program realize its full potential—Congress will be forced to enact by statute what ought to be done by administrative action.

The nation may—or may not be—on the verge of regaining some sign of economic life. But even the most optimistic forecasters see a slow growth and a high rate of unemployment for years to come.

What this says to me is that our needs are going to grow, not shrink.

It says to me that millions who have been newly impoverished are likely to stay that way—unless we change the policies of this nation.

It says to me that the millions who lack decent shelter at affordable prices will find their hardships multiplied—unless we change this nation's policies.

It says to me that the nation's cities—which are developing impressive new skills, and building themselves back up—will find themselves in a dead end—unless this nation changes its policies.

The Administration says that government can do nothing.

You and I know that there are some things that only government can do.

And the fact of the matter is, a livable community in a vibrant nation is possible only if government and business work together. It is possible only if we have a sense of community and a commitment to each other. It is possible only if we have a commitment to the future.

The programs I support represent just that—a partnership for the future, a commitment to each other.

We have seen the Reagan program, and it does not work.

We have also seen the CDBG program, and it does work. We have seen housing programs, and they do work.

Even Republicans are now saying that this country needs a jobs program. Even David Stockman says that there is room in the budget for such an effort. I don't pretend that some evangelist has reached into the White House and converted the man who would be Coolidge. But I say this: time has passed him by, and we have a job to do.

I think we have the ability to do what needs to be done for our communities, and for the people who live in our communities.

I think we have the ability to move together and work together. And I believe we can—and will—move ahead.

#### COMPETITIVE SHIPPING AND SHIPBUILDING ACT OF 1983 (H.R. 1242)

The SPEAKER pro tempore (Mr. MONTGOMERY.) Under a previous order of the House, the gentlewoman from Louisiana (Mrs. Boggs) is recognized for 30 minutes.

Mrs. BOGGS. Mr. Speaker, the ranking of the U.S. bulk cargo fleet among the maritime fleets of the world has fallen. In 1970, the U.S.-flag, U.S.-built liquid and dry bulk fleet engaged in international commerce totaled 81—today it consists of only 40 ships. If provisions are not made for replacement of these vessels we can

most assuredly expect a further, perhaps irreversible, decline in the U.S. bulk fleet.

Since 1950, the carriage of U.S. foreign commerce in American-bulk ships has shrunk from 42 percent to less than 4 percent. By contrast, Liberia, Panama, Canada, Great Britain, Japan, and Norway carry almost 75 percent of our waterborne commerce.

Other countries, especially the Soviet Union, are expanding their bulk fleets as we allow ours to atrophy.

I have introduced the Competitive Shipping and Shipbuilding Act of 1983, legislation I believe will help support and maintain two of this Nation's most valuable yet overlooked assets, the U.S. merchant marine and the shipbuilding mobilization base. Passage of this legislation will help achieve one of the longstanding objectives of the Congress as well as one of President Reagan's goals; that is, to insure an American merchant fleet capable of carrying a fair portion of our Nation's foreign trade.

Enactment of a national bulk cargo policy will provide a number of benefits. It will strengthen our national defense by providing a bulk fleet that is capable of serving as a naval and military auxiliary in time of national emergency. It will revitalize our shipbuilding mobilization base by providing critical work for commercial shipyards, many of which will close if there is no market for commercial vessels. It will provide jobs to thousands of shipyard and shipboard workers at a time when unemployment is at its worst in 30 years and it will provide substantial work for the hundreds of allied industries across the country that supply the shipbuilding industry. There will be new Federal and State tax revenues generated from this employment and commercial activity.

This is not a subsidy bill. There will be no cost to the American taxpayer because this bill will not require the expenditure of any additional Federal funds.

H.R. 1242 will accomplish its objectives by requiring all exporters and importers of bulk commodities in the foreign commerce of the United States to ship 5 percent of their cargoes on U.S.-flag, U.S.-built ships. That proportion would increase by 1 percent each year until a minimum level of 20 percent of all U.S. bulk commodities is carried on U.S.-flag ships.

The legislation requires that U.S. ship construction and operating costs each be reduced by 15 percent. The Secretary of Transportation would use these projected cost reductions, together with international charter market indices, to establish guideline rates for the carriage of bulk commodities on ships covered by the act. The guideline rate would be the maximum rate which could be charged by the operators of these vessels. A waiver pro-

vision is incorporated into the legislation which would apply if the Secretary of Transportation determines that a U.S.-flag, U.S.-built bulk cargo ships is not available or is not available within guideline rates.

#### COST SAVINGS

The cost savings are an important element in the viability of this cargo reservation policy concept. These cost savings to importers and exporters would result from innovations and other factors in both the construction of bulk ships and in their operation.

In ship construction the 15-percent cost savings would result from series production of at least 10 ships of the same design in any single shipyard. Such a stable workload would permit shipyards to dedicate specific facilities, work force and management to a bulk ship construction program. In addition, the one-time, front-end costs of engineering, jigs, and fixtures by the shipyard would be spread against 10 ships, rather than the usual 1 or 2. Some 50 to 60 percent of total ship construction costs are due to material and equipment. With series construction there are opportunities for quantity discounts by suppliers.

A reliable, long-term workload will increase shipyard labor productivity as well as create the necessary stability for increased capital improvements in facilities.

The steady workload envisioned in this program will create conditions similar to those under the very successful mariner construction program of the 1950's which had standard designs and common components. This will significantly reduce construction times with attendant cost savings.

Representatives of maritime labor have pledged further reduction in vessel manning scales. The union training schools will provide skilled personnel to crew the newer and more technologically advanced vessels. These representatives have also agreed to contractual arrangements consistent with required skills and the need for higher productivity, and they have promised no interruption of service for long-term contractual arrangements.

Some maritime unions have also promised joint contracts for each new vessel constructed as a result of this legislation. These agreements provide for a top-to-bottom three-crew, two-ship operation, whereby three crews rotate between two ships on a regular basis. Generally, the current practice is for four crews to rotate among two ships. This will increase familiarity with vessels and the productivity of the seamen.

Present daily crew costs for U.S. bulk carriers built in the 1970's and operating with a shipboard work force of 26 averages \$6,398.06 per day. Proposals are being made in the context of this legislation that would reduce

crews from 26 to 22. Through crew reductions and other measures, average costs would be reduced to \$4,847.79 per day, a savings of \$1,550.27 per vessel per day. On an annual basis this would reduce operating costs by approximately \$565,000 per vessel.

#### ECONOMIC BENEFITS

Mr. Speaker, enactment of H.R. 1242 offers numerous important economic benefits. Passage of this bill is projected to provide for the construction of 158 bulk ships of 120,000-deadweight-ton capacity by 1998. The availability of assured cargo would stimulate investment in the construction of vessels in U.S. shipyards to meet the need for new tonnage and to replace existing tonnage that becomes obsolete.

It will increase business to shipbuilding support industries. The shipbuilding industry has a great impact on other industrial concerns in the United States. The defense economic impact modeling system, prepared by the Office of the Secretary of Defense, identifies mining, steel mills, and foundries as support industries along with fabricated metals/alloys, pipes and valves, machinery and propulsion, and semiconductors as supporting products. According to this source, each dollar invested in the shipbuilding industry yields an additional dollar generated throughout the private sector.

Enactment will create thousands of job opportunities for American workers, in maritime-related service, supply and material industries. This legislation would create 146,150 man-years of employment in American shipyards, as well as 6,162 seagoing jobs. Especially important, more than 200,000 existing American jobs in ship construction and repair, ship operation, and maritime-related service, supply, and material industries would be saved. Absent this legislation, jobs will be lost. One group that undoubtedly would be hit hardest by an employment cutback would be minorities. Approximately 28 percent of the U.S. shipyard work force and approximately 17.5 percent of the shipboard work force consists of minorities.

Millions of dollars will flow to the U.S. Treasury each year through corporate taxes on both shipbuilding and shipping profits and income taxes on shipyard workers and seamen if this program is adopted. The Treasury Department has estimated that multinational companies escape over \$100 million per year in U.S. taxation by registering vessels under foreign flags and using foreign crews. Subpart F of the Internal Revenue Code provides a special exclusion for shipping income of foreign-based companies. This exclusion amounts to an indirect subsidy of foreign-flag shipping.

Another result will be a boost in our international balance of payments.



When U.S. companies and U.S. crews are used to transport America's imports and exports, dollars are retained in or transferred to the American economy via the services U.S. operators provide to foreign countries. These dollars are used to purchase American goods and services. For the past decade, however, more money has been paid out to foreigners for ocean transportation than to domestic operators. Of the \$8 billion worth of shipping services recorded in the balance of payments for 1980, only \$2.6 billion was paid to U.S.-flag carriers. The remaining \$5.4 billion was paid to foreign carriers, leaving a deficit of some \$2.8 billion. If U.S.-flag vessels has a larger share of American bulk cargo imports and exports, this trend would be quickly reversed.

#### NATIONAL SECURITY

There are also national security implications in the adoption of a cargo reservation policy. A shipyard mobilization base, with a trained pool of shipbuilding labor, is a national necessity. Currently, 26 yards make up this base, but many are in danger of closing. This bill would provide substantial building and repair work for U.S. commercial shipyards for years to come.

A liquid bulk ship operating capability is also essential. In the recent Falklands dispute, three of every four British ships were commercial vessels. Of these, almost half were tankers. Admiral Kent Carroll, commander, the Military Sealift Command, has called the need for the right type of U.S.-flag tankers one of the most pressing current needs for military planners. This bill would help meet that need.

Because we import vast quantities of strategic commodities, and because most of these move in foreign-flag dry bulk ships, we are vulnerable to a cutoff of supplies that are vital to the U.S. industrial base. This vulnerability increases when one considers that the Soviet Union is more self-sufficient with regard to strategic raw materials than any other nation in the world, relying on foreign sources for only seven strategic minerals. This bill would substantially reduce our vulnerability to a supply cutoff.

#### INTERNATIONAL TRADE POLICY

Adoption of this bulk cargo reservation policy will not damage our credibility as the world's leader of free trade.

Trade in international shipping services is not governed by a free and open market. Reliance on free-market mechanisms has placed the U.S. merchant marine at a serious disadvantage and has been partly responsible for the dangerous decline of the fleet.

Many nations, recognizing the importance of a strong merchant marine, support their shipping and shipbuilding industries through subsidies, tax incentives, preferential financing and cargo reservation schemes.

France, for example, reserves two-thirds of oil imports and half of its coal imports for French-flag vessels. Venezuelan law mandates that 100 percent of all Government cargoes and 50 percent of all trade be carried on Venezuelan ships. Japan and Korea provide below market financing for ship construction. Korea also provides its fleet with a variety of subsidies and reserves for Korean-flag vessels, all major designated cargoes.

Socialist countries operate large state-owned fleets that are used for military, political, and other noncommercial purposes. Since profitmaking is not a constraint in the operation of these fleets, they are free to charge below-market rates. The rapid expansion of the Soviet fleet and its rate-cutting practices have become an increasingly disruptive force in world shipping trades.

Many less developed nations intent on becoming maritime powers have made a direct policy link between the goal of increasing trade with the world and the goal of building a powerful merchant fleet. This has been a guiding force behind the liner code proposed by the United Nations Conference on Trade and Development (UNCTAD).

The UNCTAD code which provides for bilateral cargo sharing between trading partners has been signed by over 60 countries. In addition, most of our allies have announced their intent to sign it. The United States stands virtually alone in its refusal to ratify UNCTAD.

Although this accord is specific to liner trade, many countries are proposing that it be used as a model for a bulk cargo sharing agreement. In addition, many countries, including the Philippines, Brazil, India, and Indonesia, are already using the UNCTAD agreement as a basis for formulating unilateral cargo reservation policies for bulk goods.

The trend in international shipping is clearly not in the direction of a free and open market. Many nations, pursuing valid commercial and national security goals, have fundamentally biased the international market in shipbuilding and ocean transportation services. Enactment of cargo legislation would not mean that the United States was turning protectionist. It would merely signal recognition by our policymakers of the realities of modern markets.

#### CARGO DIVERSION QUESTION

Concern have also been expressed that a bulk cargo policy, such as the one set forth in H.R. 1242, would lead to the diversion of bulk cargoes from one port to another or from one region to another. It is not the intent of any of the supporters of this legislation that any cargo diversion result from its enactment. Upon further analysis, if diversion were to result from provi-

sions of this bill, I would certainly support changes to remedy that situation.

Mr. Speaker, the United States does not have a merchant fleet capable of moving a significant portion of its foreign waterborne trade. It does not have a merchant fleet capable of serving as an effective auxiliary in time of war of national emergency. We are not able to maintain a shipyard mobilization based sufficient to meet national defense requirements. Congress must remedy these unacceptable deficiencies by enacting this legislation.

The economic benefits to the United States, and the national security implications of this bill, compel us to act upon it. As a result of adoption of this legislation we will become more competitive in an interdependent world.

I include herewith for printing in the RECORD the bill, an analysis and supporting material, as follows:

#### H.R. 1242

A bill to promote increased ocean transportation of bulk commodities in the foreign commerce of the United States in United States-flag ships, to strengthen the defense industrial base, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Competitive Shipping and Shipbuilding Act of 1983".*

#### FINDINGS, PURPOSES, AND POLICY

Sec. 2. (a) The Congress finds and declares the following:

(1) The United States is totally dependent upon foreign-flag bulk shipping services in that United States-flag vessels now carry less than 4 percent of its bulk import and export cargoes in international trade.

(2) Virtually all bulk imports of the United States are critical to American industrial production or to the maintenance of adequate energy supplies.

(3) Bulk exports of the United States contribute substantially to the United States balance of trade, provide major sources of employment in the United States, and contribute to the food supply and other essential requirements on a worldwide basis.

(4) The United States cannot afford to rely heavily upon foreign sources to provide the transportation services needed to maintain the flow of essential bulk imports and exports if it is to ensure its economic and political independence.

(5) The United States is continuing to lose the major portion of revenues generated by the carriage of its bulk imports and exports in international trade.

(b) It is therefore declared to be the purpose and policy of the Congress in this Act—

(1) to take immediate and positive steps to promote the orderly and rapid growth of the bulk cargo carrying capability of the United States merchant marine in order to transport at least 20 percent of our bulk imports and exports in United States-flag ships within fifteen years;

(2) to assist and cooperate with the importers and exporters of bulk commodities so that they will be able to ship their goods in United States-flag ships in a commercially practicable manner; and

(3) to encourage the construction in U.S. shipyards of new, efficient, and environmen-

tally safe bulk cargo carrying merchant vessels.

#### DEFINITIONS

SEC. 3. As used in this Act—

(a)(1) The term "United States-flag ship" means a bulk cargo carrying vessel that meets each of the following conditions:

(A) The vessel was built in the United States;

(B) The vessel is documented under the Vessel Documentation Act, (94 Stat. 3453);

(C) Each member of the crew of the vessel is a United States Citizen; and

(D) not more than 50 percent of the main propulsion machinery, other machinery, articles and components of the vessel, which are not an integral part of the hull or superstructure, are of foreign manufacture. This percentage shall be computed on the basis of cost, determined separately for each item of machinery or equipment.

(b) the term "bulk cargo" means cargo transported in bulk without mark or count by a vessel engaged in the foreign commerce of the United States.

(c) The term "Secretary" means the Secretary of Transportation.

#### CARRIAGE OF BULK CARGOES ON U.S.-FLAG SHIPS

SEC. 4(a) In the calendar year following the year of enactment of this Act, each importer or exporter of bulk cargoes shall transport at least 5 percent of these bulk cargoes in United States-flag ships. In each calendar year thereafter the percentage of bulk cargoes required to be transported in U.S.-flag ships shall increase by one percent until the percentage of the bulk cargoes required to be transported in U.S.-flag ships during each calendar year is at least 20 percent.

(b) The requirements imposed in subsection (a) of this section are obligations of the importer and exporter of bulk cargoes, and may not be avoided by the terms of sale of those bulk cargoes.

(c) Each importer and exporter subject to the requirements of this Act shall, upon acceptable documentation, be granted credit on a ton for ton basis, for the employment of United States-flag ships in the transportation of bulk cargoes between foreign ports, against the volume of bulk cargoes which otherwise would be required to be transported in United States-flag ships pursuant to this Act.

(d) Beginning in the first calendar year after enactment, the Secretary may relieve any importer, exporter, shipper, or receiver, from the requirements of this Act, upon application, to the extent he determines necessary, upon a finding that United States-flag ships are not available or are not available within guideline rates pursuant to Section 5. In determining the extent of relief to be granted in terms of aggregate tonnage of bulk cargoes, numbers of vessels, and duration of relief, the Secretary shall take into account the timeliness of the application for waiver, the vessels on order, under construction, coming off-hire and such other factors as he deems appropriate. In no event shall relief be granted for a period beyond the calendar year in which application is made. No relief may be granted under this subsection if the Secretary determines that cargo is being diverted to avoid compliance with this Act.

(e) For the purposes of this Act, any percentage of bulk cargo shall be measured by the aggregate tonnage of all bulk cargoes shipped on account of an importer or exporter in the foreign commerce of the United States.

#### ESTABLISHMENT OF GUIDELINE RATES

SEC. 5(a) The Secretary shall establish and publish guideline rates for the carriage of bulk cargoes subject to this Act. In establishing the guideline rates, the Secretary must assure that the rate takes into account the following objectives:

(1) the development and maintenance of a modern, efficient United States-flag bulk cargo fleet;

(2) the availability of a United States-flag bulk cargo fleet to meet U.S. strategic requirements in time of international crisis;

(3) the maintenance of international markets for United States bulk exports and the development of new market opportunities; and

(4) the continued access by American industry to essential bulk imports.

(b)(1) In order to establish the guideline rates, the Secretary shall estimate the current cost, including reasonable profit, of operating various classes of United States-flag ships in the foreign bulk trades of the United States and the current cost, including reasonable profit, of constructing various classes of United States-flag ships in U.S. shipyards.

(2) These current cost estimates shall be promulgated within six months after enactment of this Act. Thereafter these estimated costs shall be revised annually to reflect the annual GNP deflator, as determined by the Bureau of Labor Statistics, and any other factors the Secretary deems appropriate.

(3) In the second year following the commencement of the required percentage of United States-flag ship transportation, as set forth in Section 4, United States-flag ship operating costs and U.S. shipyard construction costs, such construction costs based upon a ten-ship series in a U.S. shipyard, must each reflect cost reductions of at least 15 percent below the Secretary's initial estimated costs, as set forth in subsection (b)(1).

(4) In the second year and in each succeeding year following commencement of required United States-flag ship transportation, as set forth in Section 4, the Secretary shall employ these cost estimates, as adjusted pursuant to subsection (b)(2), as the primary basis for establishing guideline rates as required by this section.

(c)(1) Guideline rates shall be separately established for voyage, time, and bareboat charter, by class of vessel, by commodity and trade, as necessary, and shall be based upon recognized international charter market indices, adjusted to reflect the Secretary's estimated costs, pursuant to subsection (b). In the absence of such recognized indices the Secretary shall utilize the best available information. The Secretary shall promulgate by regulation the indices or other information he will rely upon and the methodology and criteria he shall employ in adjusting such indices to achieve the purposes of this Act.

(2) These guideline rates shall be reviewed and adjusted periodically, as circumstances require, but not less frequently than annually.

(3) These rates, as established by the Secretary, may not reflect costs greater than the adjusted costs as set forth in subsection (b).

(4) Guideline rates shall be the maximum rates which may be charged for the charter of United States-flag ships for the transportation of those bulk cargoes that are required to be transported under this Act.

(d) In the first Calendar year following enactment of this Act, the Secretary, in consultation with the advisory committee established in subsection (e), shall establish and publish interim guideline rates. These interim rates shall be based upon a fair and reasonable rate for the transportation of bulk cargoes on existing United States-flag bulk cargo carrying vessels; the specific charters, voyages, bulk commodities and trades concerned; the objectives of this Act; and any other factors the Secretary deems appropriate. These interim rates shall be the maximum rates which may be charged for the charter of United States-flag ships until guideline rates have been established and published pursuant to subsections (b) and (c).

(e) The Secretary shall appoint and consult on a regular basis with an advisory committee, composed of importers, exporters, charter brokers, United States-flag ship operators, shipbuilders, labor unions, and management and labor organizations, to advise and assist him in the establishment and review of United States-flag ship operating costs and U.S. shipyard construction costs, guideline rates and regulations. The advisory committee may be divided into panels as the Secretary deems appropriate. Members shall be appointed for terms of three years and may be reappointed to succeeding terms. Members shall serve without compensation.

#### REPORTING OF AMOUNT SHIPPED ON UNITED STATES-FLAG SHIPS

SEC. 6(a) Each person, corporation, partnership, or other business entity that imports or exports bulk cargoes in the foreign commerce of the United States, and whose volume of business exceeds \$1 million annually (in imports or exports or any combination thereof) shall submit to the Secretary, on or before January 31 of each year, a sworn statement certifying that the percentages of its imports and exports carried on United States-flag ships in the preceding year were at least the percentage required to be transported in United States-flag ships under section 4 of this Act. The Secretary shall prescribe by regulation the documentation required to be submitted with the sworn statement in order to verify its accuracy.

(b) Each importer, exporter, shipper, or receiver, who fails to use United States-flag ships to transport the required percentage of imports or exports required by this Act, and who has not applied for and received timely relief pursuant to section 4(d), shall use exclusively United States-flag ships for the transportation of bulk cargoes until the percentage deficiency has been recouped. Any such failure shall not constitute grounds for Secretarial relief from the requirements of this Act.

#### CIVIL PENALTY PROVISION

SEC. 7(a) It is unlawful for any importer or exporter to violate any provision of this Act or any regulation issued pursuant to this Act. Any person who is found by the Secretary, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code (5 U.S.C. 554), to have violated this Act, or any regulation issued under it, shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed \$100,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of such penalty,



the Secretary shall take into account the nature, circumstances, extent, and gravity of the act committed and, with respect to the violator, the degree of culpability, any history of prior offenses, and such other matters as justice may require.

(b) Any person against whom a civil penalty is assessed under subsection (a) may obtain review thereof in the appropriate district court of the United States by filing notice of appeal in the court within 30 days from the date of the order and by simultaneously sending a copy of the notice by certified mail to the Secretary. The Secretary shall promptly file in the court a certified copy of the record upon which the violation was founded or the penalty imposed, as provided in section 2112 of title 28, United States Code (28 U.S.C. 2112). The findings and order of the Secretary shall be set aside by the court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code (5 U.S.C. 706(2)).

(c) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

#### REGULATIONS

SEC. 8. The Secretary of Transportation may issue such regulations as are necessary to carry out this Act.

#### EFFECTIVE DATE

SEC. 9. This Act shall become effective upon enactment.

#### COMPETITIVE SHIPPING AND SHIPBUILDING ACT OF 1983 (H.R. 1242) SECTION-BY-SECTION ANALYSIS

Section 1. This section states that the Act may be cited as the "Competitive Shipping and Shipbuilding Act of 1983".

#### Section 2. Findings, Purposes, and Policy

In Section 2(a) the Congress finds and declares that: the United States is dependent upon foreign-flag bulk shipping services; U.S.-flag vessels now carry less than four percent of its bulk import and export commodities; virtually all bulk imports are critical to American industrial production or maintenance of energy supplies; bulk exports contribute substantially to the U.S. balance of trade, provide major sources of employment, and contribute to the food supply on a worldwide basis; the United States cannot rely upon foreign sources to provide transportation services in times of national emergency; and, the United States is continuing to lose the major portion of revenues generated by the carriage of its bulk imports and exports in international trade.

In Section 2(b) the Congress declares that the purposes and policy of the Act are to: take immediate and positive steps so as to transport at least 20 percent of U.S. bulk imports and exports in U.S.-flag ships within 15 years; make it possible for importers and exporters to be able to ship their goods in U.S.-flag ships in a commercially practicable manner; and, encourage the construction of bulk cargo carrying merchant vessels in U.S. shipyards.

#### Section 3. Definitions

Section 3(a) defines "United States-flag ship" as a bulk cargo carrying ship having U.S. citizen crews and built in, and documented under, the laws of the United States. In addition, no more than 50 percent of the total materials and components of the vessel can be attributed to foreign manufacture.

Section 3(b) defines the term "bulk cargo" as cargo transported in bulk without mark or count by a vessel engaged in the foreign commerce of the United States.

Section 3(c) defines "Secretary" as used throughout the Act to mean the Secretary of Transportation.

#### Section 4. Carriage of Bulk Cargoes on United States-flag Ships

Section 4(a) requires that in the calendar year following the year of enactment of this Act, at least five percent of all bulk cargoes moved by water and imported to or exported from the United States must be carried on U.S.-flag ships. In each calendar year following, an additional one percent of the bulk cargoes are to be shipped in U.S.-flag vessels until a minimum of 20 percent is reached. Thus, in 15 years at least 20 percent of all U.S. bulk imports and exports will be transported on U.S.-flag ships.

Section 4(b) places the obligation of complying with the requirements of the Act on the importer and exporter of bulk cargoes. In addition, this section makes it clear that an importer or exporter cannot avoid the requirements of the Act by altering the terms of sale of the bulk cargoes.

Section 4(c) specifies that any importer or exporter who is subject to this Act, shall be granted credit on a ton for ton basis, for employing the use of U.S.-flag ships in the transportation of bulk cargoes between foreign ports.

Section 4(d) is a waiver provision whereby the Secretary of Transportation may relieve any importer, exporter, shipper, or receiver, from the requirements of the Act when it is determined that United States-flag ships are not available or are not available within guideline rates as set forth in Section 5. In determining the extent of any relief to be granted, the Secretary is required to take into consideration the timeliness of the waiver application, the number of vessels on order, under construction, coming off-hire and any other factors he deems relevant. However, no relief can be granted for a period beyond the calendar year in which the application is made. In addition, no relief will be granted where the Secretary determines that cargo is being diverted to avoid compliance with the Act.

Section 4(e) makes it clear that when bulk cargoes are expressed as a percentage, that percentage shall be measured by adding the tonnage of all bulk cargoes shipped by each importer or exporter in the foreign commerce of the United States. In other words, in determining whether an importer or exporter has carried the required percentage of cargo on U.S.-flag ships in any given year, the Secretary of Transportation shall look at the total tonnage of all bulk cargoes shipped by that importer or exporter in that year.

#### Section 5. Establishment of Guideline Rates

Section 5(a) requires the Secretary of Transportation to publish guideline rates for the carriage of bulk cargoes on U.S.-flag ships. In establishing the guideline rates, the Secretary must assure that the rate takes into account the following objectives:

(1) the development and maintenance of a modern, efficient United States flag bulk cargo fleet;

(2) the availability of such a fleet to meet U.S. strategic requirements in time of international crisis;

(3) the maintenance of international markets for United States bulk exports and development of new market opportunities; and

(4) the continued access by American industry to essential bulk imports.

Section 5(b) requires the Secretary in establishing the guideline rates, to estimate the current cost, including reasonable profit, of operating various classes of United States-flag ships in the foreign bulk trades of the United States and the current cost, including reasonable profit, of constructing various classes of United States-flag ships in U.S. shipyards. These cost estimates must be established within six months after the Act is signed into law. These estimated costs must be revised annually in order to reflect the current year's inflation rate and such other factors as the Secretary deems appropriate.

Two years after the commencement of the required percentage of cargo to be transported on U.S.-flag ships becomes effective, the cost of operating a United States-flag vessel in the foreign commerce of the United States and the cost of constructing a bulk cargo carrying vessel in a U.S. shipyard must be at least 15 percent below the Secretary's initial cost estimates. These cost estimates, as adjusted for inflation each year, will then be used as the primary basis for establishing the guideline rates.

Section 5(c) requires that the guideline rates be established individually to reflect the specific type of cargo movement (for example, the type of vessel, commodity and voyage). These guideline rates will be based upon internationally accepted charter market rate quotations (for example, London Brokers Panel) which will be adjusted upward or downward to reflect the Secretary's estimated costs, as outlined in Section 5(b). If an international market rate quotation is unavailable for a specific type of cargo movement, the Secretary is directed to utilize the best available information in determining an appropriate rate.

The Secretary must issue regulations, which explain the particular quotations or other information he will rely upon, and the methodology and criteria he will use in adjusting the charter market rates. The Secretary must review and adjust the guideline rates on at least an annual basis. Any adjustments to these rates may not reflect costs greater than the adjusted costs set forth in Section 5(b). These guideline rates shall be the maximum rates that a U.S.-flag ship operator may charge for the transportation of bulk cargoes subject to the Act.

Section 5(d) states that in the first calendar year following enactment of this Act, the Secretary, in consultation with the advisory committee established in Section 5(e), shall establish and publish interim guideline rates. These interim rates shall be based upon a fair and reasonable rate for the transportation of bulk cargoes on existing United States-flag bulk cargo carrying vessels. These interim rates shall be separately established for specific charters, voyages, bulk commodities and trades concerned, taking into account the objectives of this Act, and any other factors the Secretary deems appropriate. These interim rates shall be the maximum rates which may be charged for the charter of United States-flag ships until guideline rates have been established and published pursuant to Section 5(b) and (c).

Section 5(e) requires the Secretary of Transportation to appoint and consult with an advisory committee to advise and assist him in the establishment and review of United States-flag ship operating and construction costs, guideline rates and regulations. The advisory panel shall be composed of importers, exporters, charter brokers, United States-flag ship operators, shipbuilders, labor unions, and management and labor organizations.

#### Section 6. Reporting of Amount Shipped on United States-flag Ships

Section 6(a) sets forth the reporting requirements for determining whether or not the importer or exporter has met the required percentage of trade reserved for U.S.-flag ships. The provisions and reporting requirements of the Act are applicable to any U.S. business entity that imports or exports bulk cargoes in the foreign commerce of the United States, and whose volume of business exceeds \$1 million annually.

Section 6(b) requires that any importer, exporter, shipper, or receiver, who fails to carry his required percentage of cargo on U.S.-flag ships, shall, in the next year, use exclusively U.S.-flag ships to carry all shipments until he has recouped the deficiency from the preceding year.

#### Section 7. Civil Penalty Provision

Section 7 specifies the Civil penalty to be imposed on any importer or exporter who violates any provision of the Act. The maximum penalty for each violation is \$100,000 and each day of a continuing violation is to be considered a separate offense. The amount of the penalty to be assessed is to be determined by the Secretary of Transportation, taking into account the nature, circumstances, extent, and gravity of the act committed, and with respect to the violator, the degree of culpability, history of prior offenses, and any other matters deemed appropriate. The latter half of Section 7 sets out the judicial review procedures available to the violator and the enforcement procedures to be used in collecting the penalty assessed.

#### Section 8. Regulations

Section 8 authorizes the Secretary of Transportation to issue such regulations as may be necessary to carry out the provisions of the Act.

#### Section 9. Effective Date

Section 9 establishes that the effective date is the date of enactment of the Act.

#### QUESTIONS AND ANSWERS REGARDING H.R. 1242

##### What is "bulk cargo"?

Bulk cargoes are raw materials, either liquid or dry, usually shipped in large quantities (full shiploads) between various ports. The major liquid bulks are oil and chemicals; the major dry bulks are minerals and agricultural products.

How many bulk ships are there in the United States?

There are only 40 oceangoing bulk ships operating in the foreign trade and registered in the United States.

What percent of U.S. foreign oceanborne commerce is carried on U.S.-flag ships?

Only 3.6 percent of all U.S. foreign oceanborne trade is carried on U.S.-flag ships. Approximately 3.9 percent of U.S. oceanborne foreign liquid bulk and 1.3 percent of U.S. oceanborne foreign dry bulk is carried on U.S.-flag ships.

If the "Competitive Shipping and Shipbuilding Revitalization Act of 1983" were enacted, what portion of U.S. bulk cargoes

would be required to move on U.S.-flag vessels?

The bill provides for five percent of all bulk cargoes to be carried on U.S.-flag vessels initially and increased by one percent annually until a minimum of twenty percent of bulk imports and exports is carried by the U.S. fleet. This goal would be reached by 1998.

What allied industries would be affected by this bill?

The Defense Impact Modeling System, prepared by the Office of the Secretary of Defense, identifies mining, steel mills and foundries as supporting industries, along with fabricated metals/alloys, pipes, and valves, and semi-conductions as supporting products for shipbuilding. It estimates that for each dollar that goes directly into the shipbuilding industry an additional dollar is generated throughout the private sector.

How would a shipper be penalized if he did not comply with the Act?

At the outset, the bill is designed to permit flexibility in meeting requirements. Should a shipper fail to comply with the designated share of cargo on U.S.-flag vessels, he would be permitted to make up the difference by carrying an additional percentage the following year. However, in the next year, if he again failed to ship the proper percentage of his exports and/or imports on U.S.-flag, U.S.-built vessels, he would be prohibited from carrying oceanborne foreign bulk cargo for a period of one year.

Does the "free market" really exist in international trade?

The answer is "no". International trade does not operate in a free and open market because of protectionist mechanisms such as cargo preference, bilateral shipping agreements, favorable tax and tariff policies, and preferential currency and customs treatments administered by foreign governments in their own interests.

How many nations reserve cargo for their national flag fleets?

At least 45 nations reserve cargo for their national flag fleets.

What is the cost to the government of this legislation?

The U.S. Treasury will expend no additional funds if this legislation is enacted.

Why is it mandatory that we maintain our shipbuilding capabilities and our shipbuilding mobilization base?

It is important in order to support our national security and economic needs in the event of war or emergency as well as to avoid future problems in recruiting, training and retaining shipyard workers, and to provide work for support industries essential to the economy.

Why are bulk vessels essential to national security?

Bulk vessels are essential for the transport of strategic raw materials used in defense planning and are designed to carry bulk military cargoes in time of national emergency. Bulk vessels can also be designed with certain "National Defense Features" to make them quickly and easily converted to carry non-bulk cargoes that will be needed in a defense emergency.

How can we reach our goal of a strong merchant marine, as required for the national security?

Many approaches have been tried, both in the United States and in other countries. The single most effective method is to reserve a fair and necessary share of cargoes for the national-flag fleet. This bill would achieve that for the United States, in much

the same way that foreign nations successfully do for their own fleets.

#### IMPACT OF THE COMPETITIVE SHIPPING AND SHIPBUILDING ACT (H.R. 1242)

The center of controversy in this proposed legislation is the potential amount of increase in freight rates that may be experienced by U.S. exporters and importers, and the effect of such an increase on their competitive positions in world markets.

Based on an analysis prepared by G. D. Fuller, C. R. Setterstrom, and John F. Walters of the Maritime Administration and presented to a SNAME Symposium on Ship Costs and Energy, September 30-October 1, 1982, the following information was developed.

#### Required freight rates

	Long ton
1. Required freight rate for a 144,000 DWT restricted draft collier built, crewed, and flagged in the U.S., and hauling coal from Hampton Roads, Va., to Rotterdam, Holland.	\$12.00
2. Required freight rate for the same vessel built, crewed, and flagged in a foreign country.....	8.10
3. Average required freight rate for all freight movements, using 80 percent foreign ships and 20 percent U.S. ships.....	8.88
4. Difference between all-foreign rate and average rate.....	.78
5. Landed price of coal in Rotterdam	64.00
6. Increased freight rate as a percentage of landed price (percent)....	1.24

#### MARKET FREIGHT RATES

The bulk shipping market on a worldwide basis is in a depressed state, and this has caused freight rates for existing vessels to be similarly depressed. Recent rates for coal shipments from Hampton Roads to Rotterdam have averaged \$5.50/long ton.

Adjustments to the current depressed market condition are taking place resulting in a very high scrapping rate for bulk vessels. In the unlikely case that market freight rates for foreign ships remained at the \$5.50 level and U.S. ships charged the required freight rate of \$12.00, the increase in landed price would be \$1.30/long ton, or an increase of only 2%.

#### MOST LIKELY CASE

Most forecasts of worldwide shipping predict a return to a balanced supply and demand situation in bulk shipping by 1987. At the time, the foreign ship freight rates should be back to the level of the estimated required freight rates in the first example.

Assuming that this will be the case, and remembering that the proposed legislation would only require 8% of the tonnage to be shipped in U.S. ships in 1987, the actual increase experienced by the shipper on his annual total will be \$.31/long ton. This will only add a half percentage point to the landed price of the commodity, and should have little noticeable effect on his competitive position.

#### RATE SETTING

The inclusion in the proposed legislation of a rate setting mechanism, established by the Secretary of Transportation, limits the ship operator to a required freight rate that includes a reasonable return, and protects the shipper from unreasonable freight charges on shipments in U.S. ships required by this Act.

Such rate setting should assure the shipper that the requirement to use U.S. ships



will have a negligible effect on his competitive position in world markets.

By requiring rate setting, the shipper is not only protected from unreasonable charges for using U.S. ships, but is also insulated from having to pay exorbitant rates for using foreign vessels during periods when world freight rates are higher than U.S. guideline rates.

The very existence of a U.S.-flag bulk fleet carrying 20% of U.S. bulk imports and exports will act as a steadying influence on the world bulk shipping market. This leverage will assure that the U.S. will never become a captive to foreign shipping, and will avoid all of the dangers associated with such dependence.

[Source: Shipbuilders Council of America]

#### CONGRESSMAN TONY P. HALL INTRODUCES CONVENTIONAL ARMS TRANSFER LIMITATION LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. HALL) is recognized for 10 minutes.

● Mr. HALL of Ohio. Mr. Speaker, I am taking this opportunity today to address the House on one of the most serious international issues, conventional arms transfer limitation. I also am introducing a resolution to express the sense of Congress about conventional arms transfer limitation policies.

To absolutely no one's surprise, one of the first foreign policy actions of the Reagan administration was to abandon the Carter arms transfer policy in unequivocal terms. The Reagan administration has characterized this move as replacing the Carter theology with a healthy sense of self-preservation. In so doing, the Reagan administration has argued that an arms transfer policy more firmly based on the realities of international affairs will run less risk of failure and insure the more productive and successful transfer of U.S. conventional weapons overseas. But, given the widely critical evaluation of the Nixon-Kissinger approach to arms transfers and the legacy of the Carter policy as a naive and faulty attempt at arms transfer restraint, is there any good reason to believe that the Reagan administration's "prudent policy" will fare any better?

In all likelihood, the answer is "No."

A look back at the history of arms transfers indicates that, in general, arms transferred for political reasons are just as likely to fail as they are to succeed. As a result, arms transfer policies seem destined, at best, to be weakly related to and, at worst, completely at odds with the actual arms transfer practices of an administration. Or, to put this in slightly different terms, the rhetoric of arms transfer policy and the reality of arms transfer practices have typically been at odds with one another.

This conclusion leads to three observations. First, Presidents and their administrations have found arms transfers an extremely seductive but ultimately unpredictable instrument of foreign policy. Second, for a variety of reasons, particular arms transfers and the policies upon which they are based—or, more likely made exceptions to—are frequent failures. And third, having found arms transfers attractive for symbolic political purposes and practical foreign policy activities, the Reagan administration is heading down a path that will ultimately have counterproductive foreign and domestic political consequences.

In order to avoid further policy failures, and in an attempt to rein in the burgeoning world market in arms, the United States should move to renew conventional arms transfer talks without delay. Such talks are not advocated out of some vague moralistic notion about the "evil" of arms; though arms have been used and continue to be used for clearly immoral and evil purposes. Restraint is not blindly advocated on a unilateral basis; though selective self-restraint has on occasion benefited and would continue to benefit a Nation that regards itself as a world peacemaker. Such talks are advocated with a realistic sense of the limits which face any nation that would undertake restraint in a violent world of sovereign states.

In order to make a case for arms transfer restraint—and hence for renewed arms transfer talks—some sense must first be made of the evolving international arms trade. Beyond that, any realistic attempt to renew such talks must be grounded in a thorough knowledge of the commonly advocated rationales for the transfer of arms. Since few nations openly debate their arms sales policies, and only the United States does so in the presence of reasonably accurate and comprehensive data, it is not always possible to obtain a complete picture of the arms trading world. Enough is known, however, to reopen a dialog regarding controls on the international trade in arms.

#### PART I—CURRENT TRENDS IN INTERNATIONAL CONVENTIONAL ARMS TRANSFERS

The international arms trade has been rather fundamentally altered during the post-World War II period. As with most impressions, this notion is rather loosely based on vague facts about who sells arms, who buys arms, and what sorts of arms are actually sold. Regardless of the source of those facts, though, most people believe that more arms are sold each year. They believe that more sophisticated arms are sold each year. And they believe that the United States sells a very large portion of those arms each year.

In most respects, these people are quite correct.

Common impressions, however, are not enough of a base upon which to build a case for conventional arms restraint. Hence, this portion of the analysis is devoted to an overview of the most current public data available on international conventional arms transfers. Five major factors in this trade are examined which represent the most salient characteristics about the contemporary international arms trading system: First, the quantity of arms sold or transferred; second, the destination of the transferred arms; third, the origin of the arms exported; fourth, the mode by which the arms are transported; and fifth, the level of sophistication of the arms exported.

As a prefatory note, however, arms transfers must be placed in the context of overall military expenditures. From 1970 to 1979 world military expenditures increased from \$425 billion to \$521 billion in constant 1978 dollars. For developing nations this meant an increase from \$73 to \$119 billion.

#### THE QUANTITY OF ARMS TRANSFERS

By virtually all accounts, the dollar value of arms exported to developing nations in the last 8 years has fluctuated fairly dramatically from year to year. This makes any policy decision—or political argument—based upon such figures *prima facie* suspect. As the Congressional Research Service points out in its most recent report on arms transfers to developing nations:

... the basic utility of the dollar values of arms transfer agreements is in indicating long range trends in sales activity by arms suppliers. ... To use these data for purposes other than assessing general trends in seller/buyer activity is to risk drawing hasty conclusions that may be rapidly invalidated by events.

Thus, some caution is in order whenever data about arms transfers are discussed.

The best available data indicate that total arms agreements with developing nations remained fairly stable from 1974 to 1981. In constant 1974 dollars, the average dollar value of these agreements during the first 4 years of the period was \$20 billion while during the second 4-year period it was \$19.8 billion. Thus, despite, fluctuations—including especially high levels of agreements in 1980 and especially low levels in 1981—the average value of transfer agreements has remained quite stable.

Data on the total value of arms delivered to developing nations demonstrates a roughly similar pattern. Average deliveries, again, in constant 1974 dollars, for the 1974-77 period were \$9.3 billion while for the 1978-81 period they averaged \$13.9 billion. The upward trend during this period reflects the fact that worldwide arms export agreements increased markedly in 1973-74 while deliveries of these weapons did not occur until a few years later. Even so, the level of total

arms deliveries during the 1977-81 period is remarkably uniform.

Finally, if one examines the actual number of weapons delivered to developing nations during the 1974-81 period, much the same picture emerges. Of the 12 categories of weapons systems that can be tracked with some accuracy, only 2 have patterns that change very noticeably. The total number of submarines delivered actually declined—from 33 in the 1974-77 period to 15 in the 1978-81 period—and the total number of guided missile boats delivered increased—from 40 to 103. For the remaining categories the trends are generally quite stable. Surface-to-air missiles (SAM's) are something of an exception since both the Soviets and the United States exported unusually large numbers of SAM's in 1977 and 1979.

In sum, the aggregate level of arms transfers to developing nations during the 1974-81 period has been relatively stable. This stability, however, follows immediately on the heels of a rapid, real increase in the volume of arms transfer agreements between developed and developing nations. Hence, while the trends are fairly stable they are stable at what are arguably high levels of transfers from the arms developers to the arms consumers. Going beyond overall trends, one finds a number of interesting, and important, patterns once the available information on suppliers and consumers is examined.

#### MAJOR ARMS SUPPLIERS

The international arms trade—which totaled more than \$120 billion in agreements between developed and developing nations from 1978 to 1981—has long been dominated by two major suppliers, the United States and the Soviet Union, and a series of lesser but nonetheless significant suppliers—France, the United Kingdom, West Germany, and Italy. Beyond these major suppliers, there are numerous additional arms exporters—some 60 countries in all today—who sell a variety of weapons on the international market.

Today, the Soviet Union is the developing world's leading arms supplier—having surpassed the United States in the late 1970's. Soviet arms agreements with developing nations totaled \$33.2 billion from 1978 to 1981.

France also has established itself as a major arms supplier—with agreements in 1980 nearly equal to those of the United States—\$8.7 and \$9.4 billion, respectively. The level of agreements by other Western suppliers—West Germany, the United Kingdom, and Italy, have yet to rival the leaders, but they remain quite competitive. In fact, from 1978 to 1981, total agreements with developing nations by free world nations other than the United States—\$45.5 billion—easily exceeded agreements with developing nations by

the Soviets and by the United States—with \$33.2 and \$30.7 billion, respectively. Over the last 4 years, therefore, the arms trade with the developing world has actually been dominated by a group of free world nations and not by the Soviets or the United States.

If the United States is included among other free world arms exporters, then an even clearer dominance of the arms trading world becomes apparent—with total free world agreements of \$76.2 billion and total Communist agreements of \$44.4 billion during the 1978 to 1981 period. This seems to indicate that if nations feel ideological constraints about which nations supply them arms, Western-oriented recipients have diversified among a larger range of suppliers. As a result, today, free world nations control, share in, and compete for, the largest share of the conventional arms market—that which is oriented to Western suppliers.

The value of deliveries by major weapons suppliers mirrors the trend in agreements—again, with a lag over the first few years of the 1970's. For the United States, the value of arms deliveries increased from 1974 to 1978 before falling back in 1980 and 1981. Soviet deliveries peaked a year later than the United States and also declined in 1980 and 1981. France's deliveries peaked in 1981.

If one examines the actual number of weapons delivered by major suppliers the ascendancy of the Soviets is even more pronounced. Of the 12 major categories of weapons delivered to developing nations from 1974 to 1977 the Soviets led in 5 categories, the United States led in 4, and the major Western European nations led in 3. From 1978 to 1981, the Soviets led in 9 of the 12 categories, the West Europeans in 3, the United States in none. These data indicate that the Soviets easily outstrip their rivals in exports of tanks, artillery, supersonic aircraft, and surface-to-air missiles. The European exporters have been competitive in helicopters, minor surface combatants, "other" aircraft, and submarines. Over the entire period, the United States led in APC's and armored cars, major surface combatants, subsonic combat aircraft, and other aircraft.

#### MAJOR ARMS RECIPIENTS

With the end of the Vietnam war and the advent of petrodollar politics the major arms importing region of the world is now the Middle East and North Africa rather than East Asia. Based on data from the Arms Control and Disarmament Agency, arms imports in the Middle East quadrupled between 1970 and 1979. Even more dramatic increases were recorded in Africa which imported less than half a billion dollars worth of arms in 1970 but over \$4 billion in 1979. These increases are almost solely due to in-

creased imports by North African nations—such as Libya—rather than sub-Saharan nations. The North African States are, of course, involved in the ongoing Middle East conflict. Meanwhile, arms imports to Latin America and to South Asia and Oceania also increased but remain at relatively modest levels.

The data clearly demonstrate that continued conflict among Middle Eastern nations, aggravated by the presence of considerable disposable wealth among the OPEC nations, is one of the root causes of the conventional arms transfer problem. Indeed, in 1979, 6 of the top 10 arms importing nations were in the Middle East. Efforts to solve the arms transfer problem may not have to begin in the Middle East, but, inevitably, they must come around to the Middle East.

#### THE MODE OF TRANSFER

Since passage of the Foreign Military Sales Act of 1968 and the pronouncement of the Nixon doctrine in 1969, the U.S. Government has followed a successful policy of encouraging importing nations to purchase their own weapons. The purpose of the 1968 law, and the Nixon doctrine, were to reduce U.S. foreign aid commitments, help remedy chronic balance-of-payments deficits, reduce U.S. military presence overseas, and increase the self-reliance of nations friendly to the United States. As a result, most transfers today are sales—either commercial or government to government.

The United States has developed three mechanisms to transfer weapons overseas. Through the 1960's military assistance programs (MAP) were the most common mode of transfer for the U.S. Government. These are grant-aid programs which provide military aid to foreign countries free of charge. Grant aid programs have evolved a great deal over the years and today no fewer than five different formal mechanisms exist created to provide security assistance to eligible foreign countries—including the foreign military sales financing program, the international military education and training program, the economic support fund program, the peacekeeping operations program, and MAP.

In the 1970's, a dramatic shift from grant aid toward government-to-government sales—called foreign military sales (FMS)—and commercial sales, the second and third mechanisms, was brought about to fulfill the dictates of the FMS Act of 1968 and the Nixon doctrine. Under FMS procedures, the U.S. Government is authorized to sell directly from our own weapons stocks—provided no danger to national security is present—or to order equipment directly from U.S. manufacturers. FMS procedures allow for either credit sales under the financing pro-



grams or direct cash purchases. Commercial sales became more popular in the early seventies, as a result of the dictates of the FMS Act, but seem destined to remain at low levels relative to FMS transfers for the foreseeable future. There are two reasons for this. First, Congress now requires that FMS procedures be used for any sale of major defense equipment of \$25 million or more to non-NATO countries. And second, many buyers prefer to use FMS to gain the benefits of complete package acquisition, fair pricing, Government quality control, audit services, and other advantages stemming from Government participation.

FMS is easily the predominant mechanism for transferring weapons from the United States today. Most of these are straight government-to-government sales and do not involve concessionary credits by the United States—though such mechanisms do exist within FMS. Grant military aid has nearly been phased out. And commercial sales have risen lately but remain well below FMS transfers.

Relatively little is known about the details of the transfer mechanisms of the other major supplier nations. What is clear, however, is that they depend on the actual sale of their weapons either to earn valuable hard currencies for foreign exchange or in order to keep their production lines open. The Soviets do offer concessionary loans and credits to a wide variety of nations but have, according to most reports, reemphasized the acquisition of hard currency for their arms transfers in recent years. Countries such as France, Israel, Great Britain, and Italy depend on actual sales to maintain their production lines and to insure that their own unit costs remain at affordable levels. Hence, virtually all arms exporters today find it necessary to sell most of their weapons. Few nations have significant amounts of surplus equipment that they can part with cheaply. And, as more sophisticated weapons are produced, there is increasing pressure to export early in production runs in order to amortize research and development costs.

#### THE SOPHISTICATION OF ARMS TRANSFERS

The last major change in the character of the arms trade in the last decade involves the sophistication of the arms being transported by the major exporting countries. Two developments, the shift from aid to sales, which places buyers in a better bargaining position, and the high cost of research and development, appear to account for the increasingly sophisticated weapons which are now exported.

As previously noted, during the 1960's the United States began to pursue policies which emphasized a shift from grant-aid transfers to a sales relationship. This decline in aid transfers has altered the exporter/im-

porter relationship, with increased weight now attending the purchasers' demands. Thus, it appears that as importing countries began to pay their own way the United States became unable or unwilling to refuse to sell its most advanced conventional arms. Moreover, with the added leverage of oil politics thrown in, the richest Middle East nations have been able to import some of the most sophisticated weapons in the U.S. inventory.

But the ability to buy has not been the only factor leading to the sale of increasingly sophisticated equipment. As R&D cost pressures have driven unit prices upward at rates unacceptable to even the two superpowers, additional markets have become attractive to even the largest manufacturers. Because of this, and complicated by the rapid rate of technological change, the world's leading arms developers are now exporting their most advanced weapons with little or no time lapse between introduction into their own arsenals and transfer abroad. Transfers of advanced French Mirage fighters and the Exocet missiles, Soviet T-72 tanks, U.S. Phoenix and Sidewinder missiles, advanced aircraft such as U.S. F-15 and F-16 fighters are prominent examples of this trend.

#### SUMMARY

This review of the most recent data on arms transfers leads to five major observations:

First, arms transfers increased quite dramatically during the early 1970's and then leveled off at a new but higher plateau. Hence, while overall trends are stable, the "current" data have outrun an important watershed period in arms transfers and tend to obscure that previous period of lower overall transfers.

Second, the United States and the Soviet Union are still the world's leading arms suppliers while France has solidified its position as a major arms trading nation. In aggregate, however, major free world suppliers, excluding the United States, accounted for the largest share of arms transfer agreements to developing nations from 1978 to 1981—with the Soviets and the United States ranking second and third.

Third, the Middle East is easily the major arms importing region of the world having supplanted East Asia in the early 1970's. Six of the ten top importing nations, in 1979, were in the Middle East.

Fourth, most arms transfers today are effected through sales mechanisms though substantial "concessions" are available from the two leading suppliers—the Soviets and the United States.

Fifth, some of the most sophisticated weapons available anywhere in the world are among those being transferred to developing nations. Surface-to-air missiles, supersonic aircraft, ad-

vanced tanks, and precision-guided munitions are among these.

It is important to remember that, in and of themselves, these overview data do not provide an argument for or against arms transfers. They should, instead, be viewed as context—a rough representation of current trends in the arms trade. In the end, the arms transfer debate does not hinge on trends—though trends are important elements in the ongoing debate. The discussion itself usually revolves about a series of rationales which are advanced in favor of arms transfers.

#### PART II—THE ARMS TRANSFER DEBATE

During the last decade the arms transfer debate, in Government and academia, has attracted a great deal of attention. At one time, scholars felt relatively free to generalize about the lack of literature on the arms transfer problem. That is no longer the case. As a result, a fairly common list of debating points has emerged. These typically focus upon the various rationales for transferring arms overseas.

To make a case favoring renewed arms transfer talks, some familiarity with the common rationales for arms transfers is important. In most cases, there has been no satisfactory resolution of the debate. And in a few cases, the debate is purely rhetorical since there is no evidence that bears on either side.

The spectrum of the arms transfer debate is bounded at its limits by two extreme positions—historical realism and rational idealism. Not surprisingly, more than a few analysts have found that the extremity represented by either of these two positions is a dangerous approach to foreign policy in general and to arms transfer policy in particular. The former leads to excessively short sighted policymaking; the latter leads to overzealous moralism or universality. With respect to arms exports, the realists argue that, in an essentially amoral and anarchic international system, a nation must use any tool at its disposal to further its foreign policy objectives. Conversely, the idealists argue that the transfer of weapons of war is a fundamentally immoral act which can only lead to the destruction of human potential.

A more realistic approach to arms transfer, and arms transfer restraint, requires the assumption that neither of these positions is intellectually supportable. Or, more simply, the position staked out by both realists and idealists precludes the possibility of making any policy choices. For realists, there is no choice involved because historical situations predetermine a nation's foreign policy—and therefore the nature of its responses to the international system. If arms can be transported, and they serve some pragmatic purpose, they will be transferred. For idealists, at the extreme, choice is re-

moved simply because the transfer of weapons violates a moral imperative. Thus, there is no decision to be made—arms are just not to be exported.

Once these absolutist positions are abandoned, policymakers are faced with the practical problem of how to treat arms transfers within the foreign policy framework. In so doing, criteria must be developed upon which to base transfer decisions. As noted, a fairly large number of these have evolved in the last decade. Ten of these—grouped into political, military/security, and economic categories—are examined below.

#### 1. POLITICAL RATIONALES

The first group of rationales, favoring arms transfers, is political. These arguments are based primarily upon the effect of transferred arms on the relationship between the suppliers and those to whom arms are exported. Four major arguments are included in this category.

##### A. INFLUENCE

Arms transfers give the supplier country influence or leverage over the recipient nation. While influence may result from the transfer of arms on some occasions there is abundant evidence to indicate that such influence is, at best, haphazard. For a variety of reasons, arms transfers are likely to create only an imperfect bond between countries. Even if the transfer is virtually their only contact, too many additional factors influence nations' actions for a single transfer to be determinative.

In most cases arms are part of an exchange relationship between two nations. Hence, any subsequent demands or attempts at influence are likely to be resented by the recipient. For example, Turkish authorities generally believed that an exchange had taken place between themselves and the U.S. Government—an exchange of bases for U.S. weapons. In 1975, when the United States tried to use weapons transfers as a lever to force Turkey to withdraw its troops from Cyprus the Turkish Government considered this offensive. In essence, Turkey viewed the demands by the United States as blackmail. And, rather than be forced to remove troops from Cyprus, an issue viewed as completely separate from the bases agreement with the United States despite the fact that U.S. weapons were used on Cyprus, permission for U.S. use of the bases was withdrawn.

Because of evolution in the arms trading system in recent years it may be argued that arms are of even less influence today than in years past. As the transfer mechanism has shifted from aid to trade most nations have come to feel that they have paid for their weapons and, as sovereign nations, are free to use them as they see fit. Moreover, even where some strings

could be attached to transfers, an increasingly interdependent world limits the extent to which countries like the United States can dictate the policies of client nations. The most prominent example, of course, is that of transfers to OPEC nations which, after all, also have the capacity to influence the arms suppliers.

It may well be, therefore, that there is as much reverse influence as there is positive influence between supplier and client. The Soviets, for example, have often overlooked the fact that their clients suppress indigenous communist parties. As for the United States on more than one occasion—in Turkey, and Morocco, for example—it has been forced to sit idly by and watch its clients use American weapons in possible contravention of agreements signed with the United States prior to the transfer of weapons. In theory, the supplier is supposed to be able to threaten its clients with a cutoff of further arms or with a cutoff of spare parts. In practice such threats are rarely tendered. Part of the reasons for this is that a great deal of modern military action does not hinge on immediate resupply. But even when it does, the supplier is often too deeply involved (and often otherwise dependent upon) the client to carry out such threats. Moreover, alternative sources of supply now take some of the sting out of such threats as many arms importing nations move to diversify their sources of supply.

##### B. REGIME STABILITY

Arms transfers can politically benefit a nation by stabilizing friendly regimes. U.S. experience in Vietnam and Iran and Soviet experience in Indonesia offer ample proof of the weakness of this argument. Despite vast amounts of resources the United States was unable to stabilize the regimes in either South Vietnam or in Iran. Worse yet, U.S. identity with and commitment to the South Vietnamese ultimately entangled the United States in a lengthy war. Such failures are further compounded by the fact that subsequent regimes—Egypt, Ethiopia, Indonesia, Iran, and Vietnam are all examples—almost invariably turn on their former suppliers. But even when they do not, as has been the case for numerous U.S.-backed regimes in South America, the granting or selling of arms does not seem to guarantee that subsequent regimes will be any more stable than their predecessors.

##### C. POLITICAL TIES

Arms transfers, because they need subsequent support, tend to foster closer political ties between suppliers and clients. While on the surface this argument seems to make some sense, most nations fully realize that suppliers wish to create such dependencies. As a result they tend to diversify their arms purchases as much as possible. Moreover, from the suppliers' perspec-

tive, arms transfers do not generally establish ties to the people of a country, the way that of a regime change, the ties have been removed and only resent remains.

It is also argued that arms transfers will, as a result of political ties, help to bring a client nation around to the political orientation of the suppliers. Yet there is little evidence for this. On the contrary it seems that nations seeking arms will seek them from suppliers that reflect their own orientation.

##### D. SYMBOLISM

Arms transfers are a symbol of supplier support for its friends and opposition to its enemies. Because arms are a visible, instrument of foreign policy, they are viewed as having symbolic utility. This rationale is dangerous because it leads to a scorekeeping mentality toward arms transfers. That is, the nation with the most clients is obviously the most popular and dependable. Unfortunately, this also leads to subsequent problems when two countries supplied by the same nation—in whole or in part—go to war. U.S. experience in the Indo-Pakistani wars, in the Falklands crisis, and in the Middle East demonstrates this point. It is simply impossible to be everyone's ally. And, should two client states go to war the supplier, especially if the arms transferred were intended to create political bonds, will suffer either the embarrassment, and subsequent diplomatic damage, of having to take sides or risk being branded hypocritical for arming both sides in a war.

Thus, if arms are useful symbols of political support, they should be used all the more carefully—and sparingly. For example, of what symbolic utility is the fact that the United States has supported 28 of the 41 military-dominated governments in the world with records of violating citizens' rights?

In sum, of the major political arguments favoring arms transfers only their utility as symbols of American support carries much weight. Unfortunately, the United States has been less than careful about who buys arms. The Center for Defense Information, for example, has noted that the United States sold weapons to 96 of the 161 nations in the world in 1981. The symbolic message in this seems to be that the United States will sell arms to almost anyone. During the Carter administration, a concerted effort was made to avoid selling arms to repressive regimes. While that policy was implemented in an uneven fashion it was an instance of an attempt to reinforce an international reputation for U.S. support of democratic principles. To date the Reagan administration has shown little inclination to follow suit.

##### 2. MILITARY/SECURITY RATIONALES

While three distinct arguments can be identified under the rubric of mili-



tary/security rationales, they all boil down to the question of whether arms transfers increase or decrease the security of suppliers and consumers. For proponents of increased sales a limit on arms transfers is naive and self-destructive. They feel arms control advocates would gamble away security in an attempt to secure meaningless guarantees of human rights or other moral victories. For opponents of arms sales, almost any transfer is bound to precipitate a regional arms race, U.S. entanglements and ultimately, participation in local wars. They feel that arms transfer advocates overstate the security needs of virtually all nations in order to achieve illusory gains in security or, more basely, to make money. Neither group differentiates among the myriad interests which are often conditional and inconsistent for suppliers and consumers. One thing seems clear, security interests need to be carefully weighed prior to transferring arms. Unfortunately, the weighing of such interests is extremely difficult.

#### A. REGIONAL SECURITY

Arms transfers contribute to regional security by ensuring a balance of force among potentially contending nations. This rationale is almost impossible to prove—either in the positive or the negative form—because it assumes that nations behave rationally. It also tends to assume that an objective assessment of capabilities can be determined by counting weapons alone while not carefully considering either the motives or perceptions of the contending nations.

Balances of power, it must be remembered, refer to the strengths and weaknesses of various nations relative to each other. Thus, one region may be balanced at high levels of capability—Europe, while other regions may be balanced at fairly low levels of capability—sub-Saharan Africa.

For a long period of time U.S. restraint in selling advanced weapons to Latin America contributed to an overall balance of power in that region. Once that balance was perceived to have been tipped the constraints no longer held. Today, Latin American nations are proceeding to break out of that balance—each claiming to be in the process of restoring it based upon its own security needs. Peru has diversified its suppliers. The French and Israelis are trying to sell advanced aircraft in the region. Brazil is developing its own arms industry. And, the United States is selling F-16's to Venezuela.

The experience of the United States with increasing its security through arms transfers is checked at best. Attempts to stabilize Southeast Asia, based on the domino theory, failed. Attempts to shore up Iran as a bastion against Soviet aggression in the Middle East failed—and led indirectly to subsequent fighting between Iran and Iraq. U.S. proposals to arm Paki-

stan in response to the Soviet occupation of Afghanistan were met by threats from Indira Ghandi to increase the defense capabilities of her country commensurately. Hence, in most cases, the transfer of arms to one nation leads its potential foes—and in some cases its allies—to attempt to re-establish the status quo ante.

It is also argued that arms transfer restraint will not stop nations intent on war from going to war. But then the opposite must also be true. Supplying arms to nations intent on war will not stop them from going to war. And it is also true that such wars, fought without arms from major contending suppliers, are likely to attract less attention as proxy actions which are outgrowths of East/West competition.

#### B. BURDEN SHARING

Arms transfers contribute to supplier security by proxy when allied nations increase their capabilities to oppose common foes. This rationale is true by definition. The problem is that, for the most part, proxies never actually have to defend themselves against the common foe. When they do, as is the case in Afghanistan, no amount of supplies would allow them to defend themselves in the absence of determined additional support from the supplier. More typically, proxies tend to fight proxies with weapons of politically opposed suppliers; that is, the United States and the Soviets.

Iran did not have to fight against the Soviets; it fought with the Soviet's ally, Iraq. Turkey and Greece did not have to fight with the Soviets; they fought, indirectly, with each other over Cyprus. India and Pakistan did not fight the Soviets; they fought each other with U.S. equipment.

In Europe, where a clear-cut peacetime military alliance exists in NATO, a strong case can be made that shared responsibilities increase the joint security of suppliers and consumers. But the further one gets from such clear-cut conflicts—geographically, temporally, or politically—the more difficult it becomes to sustain the argument of shared security. Several years ago, few would have argued with the notion that Iran would have proved an invaluable ally in the event of war. But what are the costs of maintaining that capability? In Iran, and in Vietnam, the costs were considerable, and the rewards nonexistent.

For joint security to hold sway where arms transfers are concerned, there must be relatively little chance that transferred weapons will be used for other purposes—against other nations that is. This does not mean that arms should not be transferred unless such conditions exist, only that joint security seems to apply to a limited set of circumstances.

#### C. TRANSIT RIGHTS, ACCESS, AND SUPPLIES

Arms transfers increase supplier nations' security by insuring overflight and landing rights, bases, and access to forward facilities and supplies through standardization. This rationale is sound but of limited value. Base rights, overflight authority, and landing rights can be quite valuable to supplier nations and can enhance security. But such rights and access can also be withdrawn quickly—as was shown in Turkey in 1975. Also, base rights and access are typically negotiated on the basis of some known or plausible future threat. The United States negotiates base rights in Turkey, Greece, or Spain in order to advance its ability to counter Soviet capabilities. Yet these forms of access can be withdrawn when unforeseen contingencies arise—the Iranian rescue mission, re-supply of Israeli war efforts, or pressure on Turkey to withdraw from Cyprus.

The argument favoring forward supplies—because of standardization—and facilities is also highly contingent. It assumes that spares, facilities, and supplies will be available under a wide variety of conditions. Moreover, it assumes that the amount of spares and facilities would be sufficient. Yet, it is extremely dubious that any responsible military planner would depend upon the existence and availability of such supplies or facilities. What's more, in most cases arms are shifted in quite limited numbers with necessarily limited spares. Hence, any given facility would be of relatively little use. This does not hold for base rights in major NATO countries, of course, where facilities and prepositioned supplies are purposely provided for U.S. use.

Again, this argument is persuasive to a degree. But it depends upon the use of spares, facilities, and bases in known or foreseeable circumstances. Unfortunately, the exact nature and form of future conflicts is never known. This makes contingency planning based upon the supposed availability of bases and supplies risky business. At best, such bases and supplies are of potential use to resourceful leaders in a time of crisis. Only in clear-cut exchanges, arms for base rights in Spain, for example, should such a rationale hold sway.

In sum, most rationales favoring arms transfers for security reasons are highly contingent on assumptions about the most likely threats to the security of the supplier. And yet, actual outbreaks of hostility have proved very difficult to foresee. Security rationales for arms transfers tend to focus on likely scenarios while transferred arms tend to be used in unlikely (and too often politically and militarily) damaging scenarios.

## 3. ECONOMIC RATIONALES

Economic rationales are among the most frequently cited supportive arguments advanced in favor of arms transfers. In its simplest form this argument is rendered as follows: "If we don't sell, somebody else will." The logic being that, since arms will be sold anyway, why should we suffer the economic loss of not being the seller? Such simplistic arguments are damaging for at least two reasons. First, they ignore the fact that arms transfers are not simply products and that when arms are transferred there are other political and military costs and benefits. And second, even on economic grounds, the sale of arms is a complex matter with effects that are not always easy to identify.

Economic rationales are commonly examined from the suppliers' perspective, although critics of arms transfers are quick to point out that spending on arms is a misuse of developing nations' resources. On occasion, however, it is argued that arms transfers encourage economic development. Hence, this rationale will also be examined.

## A. BALANCE OF PAYMENTS

Arms transfers benefit the supplier by reducing deficits or increasing surpluses in the balance of payments. This is a complex question which, in its simplest form, is irrefutable. In the short-term arms transfers, assuming they are straight sales, bring in money. But, in the short term, it may well be that arms purchases will preclude spending on other goods—especially if a country has foreign exchange constraints. In the long term, increasing exports will force an appreciation of the currency which, in turn, will dampen demand for other exports. Thus, it may well be that, despite apparent short term gains, the balance of payments is helped relatively little by arms exports.

This leads to several criticisms of the balance of payments argument. First, since arms constitute only a minor part of all the major suppliers exports they can have only limited effects on the balance of payments in any event. Second, since all goods produce the same balance of payments effects when exported, pushing arms only or largely for this reason cynically equates arms with other domestic products. And, third, since all arms sales have the same effect all sales become equally valuable according to this rationale—leaving no way to distinguish among various sales.

## B. UNIT COSTS, R&amp;D RECOUPMENT, PRODUCTION RUNS

Arms transfers benefit the supplier by lowering unit costs, recouping R&D costs, increasing learning curve effects, and lengthening or smoothing production runs. This group of benefits is derived largely from the economic principle that savings will result

from longer production runs. Workers get better at their jobs. R&D costs can be amortized over a larger number of units. Economies of scale are achieved. And, potentially vital production lines are kept open with foreign sales.

A 1976 study by CBO estimated that \$8 billion in foreign military sales, in a fiscal year, would result in savings of \$560 million to the United States—less than 1 percent of defense outlays. According to CBO, savings are most likely to occur on newly developed highly sophisticated weapons. This means that the United States could realize fairly substantial savings, 14 percent on procurement and 4 percent on R&D, but only on about 40 to 45 percent of its sales—the portion accounted for by items such as aircraft and missiles. For the French and British savings would be higher since they export 50 to 60 percent of the high-technology items they produce.

As with unemployment, the economic effects of longer production runs are highly sector specific; a relatively few companies account for a high proportion of foreign sales. In the United States, foreign military sales represent only about 15 to 20 percent of total defense industry output. Again, for French and British companies—and the defense sector as a whole—exports are a much larger portion of total production.

Finally, while there is some logic to keeping production lines open, there is considerable disagreement about how important it is to keep them open. In the event of a short war added production capabilities are irrelevant; only existing defense stocks are of any use. Hence, production lines are only important where long war scenarios are concerned or where the ability to divert current production to resupply efforts of allies without serious damage—drawdowns—on existing stock is needed. Moreover, exports do not necessarily keep lines open. Instead, they may simply increase the level of output for a given period of time. This is especially true when first-line equipment is being exported. Apparently only the Soviets have the luxury, or are willing to bear the costs, of keeping open production lines solely for export purposes—as they do with some older tanks and the Mig-21.

## RECIPIENT DEVELOPMENT

Arms transfers contribute to recipient nation economic development by building infrastructure and through the spillover effects of increased education levels among the armed forces. This argument is not generally offered by supplier nations but recipients sometimes argue that effective, well equipped, well trained armed forces symbolize progress at the very least and, more often, that training programs have spillover effects on the civilian population.

There is very little systematic evidence to support this argument. On the contrary, it is more likely the case that high technology transfers soak up funds in capital intensive efforts to arm which could pay off in development if used in more labor intensive industries. Moreover, rather than spilling over to the civilian population, higher education levels often isolate the armed forces from the population. This leads to two additional, related, problems.

First, coproduction probably has relatively few spinoff benefits for the recipient country. Coproduction increases the price of the weapons purchased; it rarely leads to significant manufacturing capabilities; and it tends to drain funds from development projects with broader benefits to the population. It should be noted that, in most cases, only relatively simple arms are actually coproduced. For advanced weapons such as aircraft most countries can handle only coassembly—which involves only the assembly of imported pieces—or, at most, the fabrication of a limited number of parts. Korean coproduction of F-5's is a good example of this relatively limited capability.

And second, modern weapons may very well overtax the ability of recipients to absorb new technology—the so-called backend problem. This in turn may actually reduce the defense capabilities of a nation while occupying resources in an effort to train personnel.

For developing nations the import of sophisticated arms is economically taxing. Indeed, as some have argued, a very high proportion of available import capacity of some developing nations—Egypt, Syria, South Korea, Turkey, and Libya, for example—is absorbed largely by military related activities. Such technologies cost more to purchase and they cost more to maintain. In all likelihood, they contribute only narrowly to development. And, where coproduction is concerned—even though opposed by most arms companies—the hope of developing indigenous arms manufacturing capabilities is a false hope.

In sum, the range of economic rationales favoring arms transfers typically operates in isolation from the overall economic context. In such isolation, these arguments are relatively compelling—assuming one is willing to sell arms either to make money or to save money. But examined closely these arguments lose much of their appeal. No doubt, there are real economic benefits to be derived from the sale of arms. But even so, the available evidence indicates that the benefits, especially at the margin, are rather limited.

## SUMMARY

As noted there is relatively little agreement on any of the major ration-



ales for arms transfers. Arguments and counterarguments abound.

It should also be noted that standing policy on arms transfers—whether in the Carter or Reagan administrations—mandates the consideration of a variety of criteria before transferring arms. The difference in the two administrations, however, is far from insignificant. It is not too much of a simplification to say that where the Carter administration placed the burden of proof on those who would transfer weapons, the Reagan administration places the burden of proof on those who would restrain weapons transfers.

#### PART III—DEVELOPING SOLUTIONS: A REALISTIC APPROACH TO CONVENTIONAL ARMS RESTRAINT

An examination of current trends in the transfer of conventional armaments and the common rationales set forth in favor of these transfers indicates that renewed arms transfer talks will be an extremely difficult yet worthwhile endeavor. They will be difficult because there are formidable barriers to overcome before talks can be renewed. But they will be worthwhile because the patient, pragmatic pursuit of such talks holds out the prospect of tangible gains in worldwide peace and security.

To date, the Reagan administration has paid only lip service to renewed conventional arms transfer talks while estimating that over \$25 billion in new sales agreements would be made in fiscal year 1982. Were such a level of sales to be completed, they would far exceed any previous level of sales by the United States in a single year. Hence, the first barrier, and perhaps the most troublesome, is to overcome the current administration's reluctance to pursue further talks. Only by surmounting that barrier can the other roadblocks to serious restraint initiatives be reached.

Ultimately, it must be recognized, the goal of arms transfer restraint is an ideal. No matter how honorable, the rash and quixotic pursuit of such an ideal can have negative consequences. Thus, it is with a firm sense of pragmatism and of the limits on the potential for any near-term achievement that these proposals are set forth.

#### PAST RESTRAINT EFFORTS

Despite longstanding concerns over the international transfer of armaments there are relatively few precedents upon which to build new initiatives. From 1925 until 1938 the League of Nations published statistics on the international arms trade. In 1965, 1967, 1970, and 1976 proposals by various nations were forwarded that attempted to renew the statistical effort abandoned in 1938. In each of these cases, the proposals foundered because few nations were willing to publish import/export information. Moreover, there is little evidence to indicate that

merely publishing information leads to restraint. Even so, the widespread dissemination of such information may lead to public pressure for restraint. Hence, opportunities to provide more complete and accurate data on the arms trade should not be ignored.

One of the most interesting recent attempts at arms transfer restraints is the Declaration of Ayacucho of 1974. In this declaration eight Andean nations agreed to attempt to "create conditions" where a freeze on the acquisition of new offensive weapons could occur. While subsequent discussions ultimately failed to produce a lasting freeze, the effort demonstrated that there may be some room for regional constraints if the parties can be encouraged to enter into meaningful discussions. In this particular instance, Brazil, the largest Latin American arms producer, did not participate. And, more recently, supplier competition in the region has proved too tempting for Ecuador, Peru, Guatemala, Venezuela, and other nations to resist. Still, the Ayacucho agreement was an important—if limited—first step. Most observers agree, however, that without cooperation from suppliers, restraint agreements among recipients will remain too fragile to succeed.

Occasionally, multilateral embargoes have been used to restrict transfers to particular regions or nations—usually during periods of hostility. A limited embargo on arms shipments to China existed in 1919, but quickly fell apart. In 1934, at the outset of the Chaco war, an embargo by more than 30 nations was placed on arms transfers to Bolivia and Paraguay. Similar efforts were advanced during the Italo-Ethiopian conflict in 1935 and the Spanish Civil War though, again, with fairly limited success. In one further example, France, Britain, and the United States were able to exercise some control over arms shipments to the Middle East. But these efforts were ultimately undermined when the Soviets began arms shipments to Egypt—an occurrence which underscores the importance of dampening East-West competition if arms restraints are ever to be truly effective.

The most recent attempt at conventional arms transfer restraint occurred during the Carter administration. The Conventional Arms Transfer (CAT) talks between the United States and the Soviet Union now provide an important precedent for future efforts—though there are both positive and negative lessons to be learned from them. This discussion will focus primarily upon what might be learned from the talks.

First, on the negative side, the CAT talks demonstrate that finding common ground for agreement between the United States and the

Soviet Union is no easy matter. Given the complex nature of the great power relationship, arms transfers cannot be negotiated in isolation from other aspects of the relationship. In this instance, normalization of relations with China led the Carter administration to restrict the maneuvering room of the delegation in Mexico City during the fourth round of the talks. In retrospect, it appears that the Carter people could have been more accommodating—although given the sensitive nature of the dealings with China we may never know for sure.

The Carter effort also provides a renewed warning that bureaucratic politics will always influence negotiations. In this case, a fairly fundamental difference in perspective developed between the Arms Control and Disarmament Agency and other participants. ACDA, following its institutional mission, apparently viewed the talks as a technical arms control exercise, while other participants viewed the talks in more political terms—wishing to link arms transfers to Soviet behavior in the developing world. This "schizophrenia" may well have done more damage to the talks than anything else.

Another, negative lesson to be drawn from the talks involves other participants. Despite explicitly stating that arms transfer restraint would require a multilateral effort, the Carter administration did not move aggressively to push the allies toward a dialog on restraint once the CAT talks began. The allies had, of course, been skeptical about restraint talks. But they seem to have taken enough of a "show me" attitude that they would have been partially open to overtures once the Soviet-United States talks were underway. The administration may have felt, quite understandably, that talks with the Soviets had not progressed quite far enough. But even so, the allies were, in effect, allowed off the hook. An immediate parallel effort may have given the administration something to fall back upon, while leaving the dialog with the Soviets on hold, rather than forcing an end to the entire effort. Also, had a parallel effort been underway a more solidly based Western position might have resulted—one more resistant to bureaucratic infighting.

On the positive side, the CAT talks with the Soviets proceeded further than most observers ever thought possible. At a minimum, this supports the argument that such talks are always worth a try. Beyond this, however, the talks offer some evidence that there is room for meaningful negotiations between the United States and the Soviets. Most reports have indicated that demonstrable progress had been made in the talks prior to the abortive, fourth meeting in Mexico City.

A second positive lesson is that the talks demonstrate that there may be room for some reasonably specific restraints on certain classes of weapons—those useful to terrorists and surface-to-surface missiles, for example. This means that guidelines on transfers of some advanced equipment or perhaps on the first introduction of advanced equipment might be topics for serious discussion. At the very least, this would help to create a more coherent understanding of how to classify and compare various types of weapons.

Third, despite the fact that it ultimately undermined the effort, U.S. insistence that specific regions be discussed early on was not flatly rejected by the Soviet negotiators. Because of widely recognized regional peculiarities such a focus will be necessary in future talks as well. Hence, Soviet willingness to broach regional issues is a good sign. In fact, if some limited global restraints can be negotiated, the next step may well be to negotiate similarly limited but mutually acceptable restraints at the regional level. Such a step will almost certainly require broader participation in the talks by other major suppliers.

Finally, the CAT talks demonstrate that arms transfer restraints require aggressive leadership. The Western allies have too little incentive to take on this leadership role. And, to date, the Soviets have proved reactive rather than active where arms control initiatives are concerned. In the case of the CAT talks, an aggressive strategy paid off—at least to a limited degree. Future arms will, no doubt, require a similarly aggressive leadership role.

In sum, while the negotiations between the United States and Soviets ultimately foundered they produced some hopeful signs that—carefully pursued—there is common ground for discussions. But the talks also demonstrate the tremendous complexity of such negotiations, the need to take things one step at a time, and the need to avoid a single-track bilateral strategy to the exclusion of other efforts.

#### ARMS RESTRAINT: A MULTITRACK APPROACH

As the CAT talks have demonstrated, success in restraining conventional arms transfers will be neither easy nor immediate. But the talks also show us that without aggressive leadership even gradual progress will elude us. Hence, the approach suggested here is intended to be aggressive but gradual—making gains where possible, but keeping up the pressure to continue a productive international dialog. In order to avoid complete collapse, a multitrack approach is set forward here so that if one track is stalled progress might still be made in another forum.

Four identifiable tracks, each with distinct advantages and disadvantages,

would comprise this overall strategy. A selective self-restraint track would involve continued restraint on the part of the United States. A bilateral track would involve the Soviets and the United States in a renewed dialog. And two multilateral tracks would take place, in a Western context and in a more broadbased forum such as the Committee on Disarmament in Geneva.

#### THE SELF-RESTRAINT TRACK

Self-restraint on the part of the United States was among the most widely criticized aspects of the Carter arms transfer policy. For many, this aspect of the policy symbolized a fundamental naivete on the part of the administration regarding the nature of the international system.

Despite this criticism, the United States should not simply abandon self-restraint. Instead, such restraint should be used to support a broader effort at control of the international arms trade. Used carefully, a measure of self-restraint can signal continued willingness to engage in meaningful negotiations. Moreover, as some analysts have noted, such restraints may encourage reciprocal action by other suppliers—creating tacit multilateral agreements where explicit negotiations are not possible. Mutual restraint of this sort is not without precedent, having occurred between the Soviets and the United States during both the Vietnam and Korean wars.

Furthermore, the United States has an interest in self-restraint—as do many other nations—when it supports general policy principles. Human rights, economic development, and other general principles supported by the United States are important components in the fabric of U.S. diplomacy. Backing up those principles with the refusal to transfer arms keeps the United States from being entrapped by “double standards.” One of the successes of the Carter administration despite much criticism to the contrary, was that military aid and support for democratic principles were brought more fully into line with one another. The Reagan administration must be judged to have backtracked on this progress—however limited it may have been.

In using selective self-restraint, caution is in order on several fronts. While restraint is good symbolically, care must be taken not to open the door for alternative suppliers of more sophisticated weapons to step into the vacuum. While restraint may encourage mutual, tacit responses, it must be kept in mind that such responses are never durable agreements. Care must also be taken to avoid misperception where mutual restraint is involved. By nature, tacit agreements are prone to misinterpretation due to lack of direct contact. Finally, self-restraint can be

taken so far that other nations have no incentive to bargain. Clearly, if other countries see that they are already being given what they want, then negotiations become pointless.

At the very least, selective self-restraint can play an important, if limited, part in the initial stages of a larger effort to encourage conventional arms control and also allow a nation to refuse to transfer weapons on grounds of general principle. But they should be seen as a limited, and largely symbolic, supportive track rather than as a primary means of encouraging arms control.

#### BILATERAL TALKS

The limited progress made in talks with the Soviets should encourage a continued effort along these same lines—although renewal may have to await some thaw in United States-Soviet relations.

Because of the dominant position held by the United States and Soviets meaningful progress cannot be made without participation by both parties. In addition, the United States and Soviets may be able to reach agreement on a few weapons which they alone can transfer—advanced surface-to-surface missiles and a few other advanced “smart” weapons.

The most important reason for a continued United States-Soviet dialog, however, is that regional arms races are most often a direct result of United States-Soviet competition. The attempt to win friends or to compete through proxies has been a dangerous and destabilizing dimension of superpower competition. And, it has had unfortunate ancillary effects on existing regional conflicts. This is particularly true in the Middle East where there is always a danger that local conflicts will escalate to a point that would include the superpowers. Hence, the United States and the Soviet Union have an ongoing interest in regulating their competition in a direct fashion. The CAT talks held out some hope that progress could be made in this direction. Therefore, it would be foolhardy to abandon it completely at this point.

#### MULTILATERAL APPROACHES—THE WESTERN TRACK

While bilateral talks between the Soviets and United States are necessary if long-term progress on arms restraint is to be realized, the most immediate goal should be to encourage multilateral initiatives. At this point the Western European allies remain quite skeptical about prospects for such talks. Even so, prospects for arms restraint could be advanced if an appropriate mechanism could be created as a forum for preliminary discussions.

First, in concert, the major Western suppliers still deliver a majority of the weapons traded in the international



system. Moreover, they are more often in direct competition with one another than are Eastern and Western suppliers. Cross-bloc supply patterns still remain relatively rare, that is. It makes sense, therefore, for some coordination to take place among the Western suppliers since a joint effort on their part would limit the ability of Western-oriented recipients to shop elsewhere.

Second, if some sort of market-sharing approach could be arranged, then the current disincentives for France and British participation might be overcome. Such an approach could begin by recognizing French and British interests in continued production of certain weapons systems. For example, French supersonic aircraft and helicopters and some types of British missiles or surface ships could be given assurances of adequate export outlets. This would have the dual benefit of bringing important suppliers into the restraint framework while reinforcing common security interests. A preliminary goal could be an effort to reach consensus among Western supplies on sales of highly advanced or sophisticated weapons to particular regions.

And, third, a restraint regime with an appropriate attendant mechanism could also serve a function during times of crisis. A fragmented allied response to the 1973 war in the Middle East and the recent Falklands crisis are good examples of cases where such a mechanism might have proved valuable. Even if a coordinated response had proved impossible, which seems likely in the case of the 1973 war, the advantages of exchanging information on arms transfers during a crisis could prove invaluable. As for the Falklands crisis, allied responses could have benefited from greater coordination throughout the confrontation even though some formal "Brussels channels" and extensive bilateral communications took place. Indeed, many analysts believe that a golden opportunity was missed to create some form of consultative mechanism during that brief conflict.

All in all, this Western alliance approach embraces some of the toughest challenges and, potentially, some of the biggest rewards. A joint restraint, or joint export, policy will be difficult because currently the West Europeans are the most direct competitors of the United States. But reducing competition would allow greater attention to be focused upon common security concerns—an advantage now realized by the Eastern bloc nations to the detriment of the West. Initially, this avenue might proceed without formal agreements in order to accustom the participants to a new coordinating mechanism. Hopefully, it would proceed to more formal agreements at later stage.

#### MULTILATERAL APPROACHES—THE GENEVA TRACK

The fourth track that should be pursued as part of any new restraint initiative focuses upon the Committee on Disarmament at Geneva. The Committee—more formally called the Conference of the Committee on Disarmament—was created in 1962 as a multilateral forum for negotiations on disarmament. It reports to and is instructed by the U.N. General Assembly. And its membership includes nations of both Eastern and Western blocs as well as a number of nonaligned nations. Thus, it is a truly multilateral forum and has been the site of discussions on general disarmament, nuclear testing, demilitarization of the seas, chemical and biological weapons, and humanitarian laws.

Though talks in such a forum would be slow and necessarily somewhat diffuse due to the large number of participants, a dialog between suppliers and recipients needs to be encouraged. Several advantages might be derived from such a dialog.

First, a better understanding of the legitimate defense needs of developing nations could be a primary target. Arms transfer restraint proposals too often lack sensitivity to this issue. A frank exchange of views might help to clear the air.

Second, some initial gains might be achieved by focusing on weapons useful to terrorists. This focus might defuse the more contentious aspects of such a dialog by focusing on common problems. At the same time a structure for more serious ongoing debate could be under development.

Third, such a forum might be able to discuss the outlines for an internationally recognized code of principles regarding legitimate arms transfer practices. Such an approach might be modeled after discussions of internationally recognized standards of human rights. While such an approach would be generally symbolic—and certainly lacking in enforcement mechanisms—it would begin to establish a common grounds for discussion.

And, fourth, such a forum might begin to serve as a vehicle for differentiating among various regional interests and concerns, although more productive talks might be focused within existing regional organizations such as the Organization of American States.

Again, this very broad multilateral approach would almost certainly be rather diffuse. But it will be important in the future to encourage a supplier/recipient dialog. The Committee on Disarmament offers a preexisting forum with which members of the international community have had some experience. Thus, it presents less of a barrier so far as institution building is concerned. Also, it is less immediately identified with U.S. interests.

#### SUMMARY

To reiterate, the proposal offered here is intended to foster a concerted, broad-based effort on several tracks. The multitrack approach is offered in recognition of the complexity of the international arms transfer network. Regional differences, bloc competition, economic considerations, and security needs are but a few of the factors which make restraint very difficult to accommodate within a single negotiating framework.

Even so, lack of previous success is no excuse for failure to try again in the future. Complex problems require patience, and it is hoped that future efforts will be guided by the lessons of previous attempts at restraint. The only naive approach is one that is blind to the mistakes of the past.

Mr. Speaker, for the benefit of my colleagues, the text of the resolution I am introducing follows:

#### H.J. RES. 128

##### Joint resolution with respect to conventional arms transfer limitations

Whereas developing nations allocated \$119 billion in 1979 for military spending;

Whereas during the last four years, conventional arms transfer agreements between developing nations and arms supplying nations totaled \$120.6 billion, with agreements by free world nations totaling \$76.2 billion and agreements by Communist nations totaling \$44.4 billions;

Whereas during this four year period, conventional arms transfer agreements with developing nations by free world nations other than the United States totaled \$45.5 billion, agreements by the Soviet Union totaled \$33.2 billion, and agreements by the United States totaled \$30.7 billion;

Whereas some developing nations have established their own armaments industries and are becoming arms exporters;

Whereas conventional arms transfers contribute to regional instability and facilitate the use of force to resolve conflicts;

Whereas sophisticated new weapons are among the arms being transferred to developing nations;

Whereas the acquisition of sophisticated weapons by developing nations encourages regional arms races and upsets balances of power;

Whereas the use of sophisticated weapons to settle disputes by force threatens to expand such conflicts;

Whereas the use of sophisticated weapons to settle disputes by force increases the possibility that nuclear weapons might be used;

Whereas conventional arms sales have become an arena for competition in the developing world between free world and Communist nations; and

Whereas expenditures for conventional arms by the developing world should be redirected toward economic development and the fulfillment of human needs: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That (a) the United States should reaffirm a commitment to the self-restraint it has demonstrated with respect to selective conventional arms transfers to developing nations and a commitment to qualitative guidelines for conventional arms transfers.*

(b) The United States and the Soviet Union should immediately begin negotiations to resume the Conventional Arms Transfer talks.

(c) The United States should immediately begin discussions with the free world arms supplying nations to limit conventional arms transfers to developing nations and to establish qualitative guidelines for conventional arms transfers.

(d) The United States should immediately, through the Committee on Disarmament in Geneva or through some other appropriate international forum, begin conventional arms transfer discussions between nations selling conventional weapons and nations purchasing such weapons to limit such arms transfers.

(e) The President shall report to the Congress every six months on the actions taken by the United States in accordance with this resolution and the progress being made toward achievement of the objectives expressed in this resolution.●

### NANCY HANKS

(Mr. YATES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. YATES. Mr. Speaker, when word came last month that Nancy Hanks had died, in New York, I was struck with a profound sadness and regret. Her lengthy battle against cancer was known to only a few of us, and the recognition of her heroism in that silent struggle made all the more poignant the crusade she so zealously pursued in public, that of the establishment of a Federal responsibility to encourage and nurture the arts throughout the country. As staff director of the seminal Rockefeller Panel Report of 1965 on the future of theatre, dance, and music in America, and as Chairman of the National Endowment for the Arts from 1969 through 1977, Nancy set the course for a Federal policy which would benefit tens of thousands of artists, and through them, millions of Americans.

Nancy's wisdom and effectiveness with administrations and Congresses, Republicans and Democrats, was unmatched. As chairman of the appropriations subcommittee responsible for the NEA budget, I occasionally disagreed with Nancy on details of policy, but never over our mutual goals. She is a friend all of us will dearly miss.

On Wednesday, February 2, 1983, the House passed S. 61, designating a Nancy Hanks Center at the Old Post Office Building in Washington. That same day, a memorial service was held for Nancy at the National Cathedral. One of the most eloquent tributes was given by Geraldine Stutz, who served on the National Council of Arts when Nancy was chairman. Her tribute, sensitive and perceptive, captured Nancy's lovely spirit. I am privileged to attach Miss Stutz' eulogy for Members of the Congress:

### EULOGY BY GERALDINE STUTZ AT NANCY HANKS MEMORIAL SERVICE, WASHINGTON CATHEDRAL, FEBRUARY 2, 1983

We are gathered here to celebrate our Nancy—with love and great joy. Nancy spoke for the arts, as no one else could. Today the arts speak for Nancy, as none of us can alone. These artists, these strings and brass, these voices, this poetry, this sculpture, this great organ, these banners, this vaulting cathedral—their sounds and images evoke for each of us memories of this most remarkable human being, this true artist, this fast friend. And the remembrances are both grand and intimate:

Nancy, hammering out program concepts with the best thinkers she could bring together. Lips pursed, eyes blazing over her granny glasses at whoever was challenging her with ideas. Drawing every mind in the staff, the National Council and the panels into the debate.

Nancy, striding the Endowment corridors with a pail of soapy water to scrub away offending marks the staff had failed to clean from walls that should speak well for the arts.

Nancy, who valued every person joined with her in the cause of the arts. No matter how exalted—or how obscure, she knew we were each uniquely important, and she made us know it too. She referred to one and all who worked with her as "My Associates." And made us proud to be numbered in that company.

Nancy, carrying home nightly a pair of canvas bags bulging with work—and next day flooding desks with memos punched out on her typewriter at home, following up or starting off an incredible range of ideas and projects. Those memos and the letters and articles she had read poured out of her canvas bags with notes in the margins—and questions, always questions.

Her most expressive marginal notes were pairs of cartoon eyes that told you exactly how she felt about something you had written. They said you had scored a triumph—or were in big trouble; they said—I don't understand, tell me more; they said—you must be kidding; they said—oh no you don't; or they said—wonderful.

Nancy, was busy beyond belief—yet somehow she found time to become heart-deep involved in the lives of her beloved associates—from handwritten notes on birthdays, to long talks about career turning points, to earth-moving acts of faith and affection in the face of real troubles. And this circle of involvement expanded across the country as she traveled and inquired and came to care about art and artists of every stripe.

Nancy loved celebrations. And she knew that the arts are the heart of celebration. She spent years seeing to it that the arts would help America celebrate its Bicentennial Birthdays in ways that would permanently enrich our national life.

Because her all-embracing sense of community knew no bounds, her main Bicentennial project at the Endowment was called City Spirit—and it brought people from every echelon together in their own communities to decide how the arts could enhance the quality of the life they shared.

Of course, open-armed sharing was the core of her life. In 1971, already the most passionate patron of symphonies and operas and museums, ballets, theatres and America's most visible artists, she coaxed and wheedled and bludgeoned into being the Expansion Arts program which has nourished new realms of excellence outside the establishment—and is still expanding our aware-

ness that America's culture is a coat of many colors.

Nancy's labors were labors of positive love. We all learned to say that there are no problems, only opportunities. Through it all, her wit, her wry, self-deprecating sense of humor, her down-playing of her own importance became legendary. When the New York Times asked her and several other distinguished American women executives to identify the secret of their success, the quintessential Nancy Hanks replied, "I learned how to type."

Each of us has our own collection of memories. They are personal and unique. Their sum is something we all share. There is no way to sum up the scope and value of the gifts Nancy has left for us—and for the future.

But this hour has been a beginning—a beginning of the tribute that will be paid by generations of writers and players and singers and dancers and poets and painters and sculptors whose voice and vision will be stronger in America because Nancy gathered together a brave band of creative people—and decided to help.

Her friend Lee Adler said that Nancy's soul rests on her mountain-top retreat in North Carolina—and who can doubt it. Just as surely—that peripatetic, blithe spirit is in joyful residence in every corner and cranny of every place and space where the arts flourish because of her grand design for the Endowment.

But perhaps the place where Nancy's spirit will be most truly at home is the historic Old Post Office—reborn—largely through her determined vision—as the new complex for Federal cultural agencies—and which President Reagan, Arts Endowment Hodsoll and a wholly united Congress are on the move to rename in her ever lasting honor.

Nancy Hanks Lincoln died in 1818, at 35. In her neighbors' eulogies we find the words "Brilliant, Intellectual, Strong-minded, Gentle, Kind and Tender." They knew their Nancy Hanks—as we know ours. The beauty of her life will echo endlessly in the glory of the American Arts and together they will enrich the life of this vast and varied land forever.

### RULES OF COMMITTEE ON VETERANS' AFFAIRS FOR 98TH CONGRESS

(Mr. MONTGOMERY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Veterans' Affairs for the 98th Congress and ask that they be printed in the RECORD at this point. These rules were adopted in an open session of the committee on February 1, 1983.

### RULES OF COMMITTEE ON VETERANS' AFFAIRS FOR THE 98TH CONGRESS

#### RULE I—GENERAL PROVISIONS

The Rules of the House are the rules of the committee and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. Each subcommittee of the committee is a



part of the committee, and is subject to the authority and direction of the committee and to its rules so far as applicable.

#### RULE II—MEETINGS

(a) The regular meeting day for the full committee shall be at 10 a.m. on the second Tuesday of each month, and at such other times and in such places as the chairman may designate; however, a regular Tuesday meeting of the committee may be dispensed with by the chairman.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to the call of the chairman.

(c)(1) Each meeting for the transaction of business, including the markup of legislation, of the committee or each subcommittee thereto shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the Public: *Provided, however*, That no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided, however*, That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

#### RULE III—RECORDS AND ROLL CALLS

There shall be kept in writing a record of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a roll call is demanded. The result of each such roll call vote shall be made available by the committee for inspection by the public at reasonable times in the office of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. With respect to each record vote by the committee to report any bill or resolution, the total number of votes cast for and the total number of votes cast against the reporting of such bill or such resolution shall be included in the committee report.

#### RULE IV—QUORUMS

A majority of the members of the committee shall constitute a quorum of the committee for business and a majority of the

members of any subcommittee shall constitute a quorum thereof for business: *Provided*, That any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

#### RULE V—HEARING PROCEDURES

(a) The chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcements of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the chairman or the subcommittee chairman, whichever the case may be, shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a summary of the statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman of a majority of those minority members before the completion of such hearing, to call such witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) All other members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearings or deliberations, but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(e) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

#### RULE VI—OVERSIGHT

(a) In order to assist the House in:

- (1) Its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by Congress or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and
- (2) Its formulation, consideration and enactment of such modifications or changes in

those laws, and of such additional legislation, as may be necessary or appropriate, the various subcommittees, consistent with their jurisdiction as set forth in Rule VIII, shall have oversight responsibilities as provided in paragraph (b).

(b) Each subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated.

In addition, each such subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that subcommittee.

(c) Each subcommittee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdictions.

#### RULE VII—BROADCASTING OF COMMITTEE HEARINGS

Broadcasting, either by radio or TV of all open committee hearings and meetings shall be permitted when, in the judgment of the chairman, in consultation with the ranking minority member, such action is warranted. Photographs shall be permitted during hearings of the full committees and subcommittees as the chairman decides.

All coverage shall be subject to the following provisions:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily

the coverage of the hearing or meeting by other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobolights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

#### RULE VIII—NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) There shall be five standing subcommittees as follows: Oversight and Investigations; Hospitals and Health Care; Education, Training and Employment; Compensation, Pension and Insurance; and Housing and Memorial Affairs. All proposed legislation and other matters related to the subcommittees listed under standing subcommittees named below shall be referred to such subcommittees, respectively;

Oversight and Investigations: Investigative authority over matters that are referred to the subcommittee by the chairman of the full committee for investigation and appropriate recommendations.

Hospitals and Health Care: Veterans' hospitals, medical care, and treatment of veterans.

Education, Training and Employment: Education of veterans, vocational rehabilitation, and readjustment of servicemen to civilian life.

Compensation, Pension, and Insurance: Compensation, pensions of all the wars of the United States, general and special, and life insurance issued by the Government on account of service in the Armed Forces.

Housing and Memorial Affairs: Veterans' housing programs, and cemeteries of the United States in which veterans of any war

or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior, and burial benefits.

(b) The chairman and the ranking minority member shall serve as ex-officio members of all subcommittees and shall have the right to vote on all matters before the subcommittee.

#### RULE IX—POWERS AND DUTIES OF SUBCOMMITTEES

(a) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings wherever possible.

(b) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(c) In any event, the report of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any request, the clerk of the committee shall transmit immediately to the chairman of the subcommittee notice of the filing of that request.

#### RULES OF COMMITTEE ON POST OFFICE AND CIVIL SERVICE FOR 98TH CONGRESS

(Mr. FORD of Michigan asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FORD of Michigan. Mr. Speaker, pursuant to clause 2(a) of House rule XI, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on Post Office and Civil Service for the 98th Congress, adopted at the committee's organizational meeting on February 2, 1983.

#### RULES OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE—ADOPTED FEBRUARY 2, 1983

##### RULE 1. RULES OF THE HOUSE

The Rules of the House are the rules of the committee and the subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

##### RULE 2. CHAIRMAN; VICE CHAIRMAN

(a) The chairman of the committee or of a subcommittee, as appropriate, shall preside at meetings or hearings or, in his absence,

the next ranking majority member present shall preside.

(b) In the temporary absence of the chairman of the committee or of a subcommittee, as appropriate, the next ranking majority member of the committee or subcommittee, as appropriate, and so on, as often as the case shall happen, shall act as chairman.

#### RULE 3. COMMITTEE MEETINGS

(a) A regular meeting of the committee shall be held on the second and fourth Wednesdays of each month. The usual time of a regular meeting shall be 9:45 a.m. A regular meeting may be canceled by the chairman of the committee after consultation with the ranking majority member and the ranking minority member.

(b) Additional meetings of the committee may be called by the chairman as he considers necessary.

(c) A special meeting of the committee shall be held in accordance with the provisions of House Rule XI, Clause 2(c)(2).

(d) Regular, additional, and special meetings of the committee for the transaction of business shall be open to the public, except when the committee, in open session and with a majority present, determines by roll-call vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, Clause 2(g)(1).

#### RULE 4. RECORD OF ACTION

(a) A complete record of all committee or subcommittee action shall be kept which shall include a record of the votes on any question on which a record vote is demanded.

(b) There shall be made available for inspection by the public, at reasonable times in the offices of the committee, a record of the votes on any question on which a record vote is demanded, a description of the amendment, motion, order or other proposition on which a record vote is demanded, and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting.

(c) A committee or subcommittee report on a bill or resolution of a public character ordered reported by a record vote shall include the number of votes cast for, and the number of votes cast against, the motion to report.

#### RULE 5. COMMITTEE QUORUM

(a) Except as provided under paragraphs (b) and (c) of this rule, or under House Rule XI, Clause 2(g)(2), one-third of the total membership of the committee shall constitute a quorum for the purpose of transacting committee business.

(b) A majority of the total membership of the committee shall constitute a quorum for the purpose of—

(1) reporting a measure or recommendation in accordance with rule 13(a);

(2) voting to close a meeting under rule 3(d);

(3) authorizing the issuance of a subpoena under rule 12(c); and

(4) recalling a bill, resolution, or other matter under rule 9(c).

(c) Not less than two members of the committee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(d) The presence of a quorum shall be determined and announced by the chairman before the committee shall proceed to the



transaction of business and shall be recorded in the records of committee action.

#### RULE 6. ROLL CALL VOTE

A roll call vote on any question may be demanded by any member of the committee or of a subcommittee, as appropriate.

#### RULE 7. PROXIES

A member may vote on any matter before the committee or a subcommittee by proxy. A proxy shall (1) be in writing, signed by the member authorizing the proxy, and show the date and time of day that the proxy is signed; (2) assert that the member is absent on official business or is otherwise unable to be present at the meeting; (3) designate the member who is to execute the proxy authorization; and (4) be limited to a specific measure or matter and any amendments or motions pertaining thereto. A member may authorize a general proxy for motions to recess, adjourn, or other procedural matters. A proxy may not be used unless a quorum is present, cannot be used to make a quorum, and shall be presented to the chairman at the time the proxy is voted.

#### RULE 8. ADDRESSING COMMITTEE OR SUBCOMMITTEE

(a) Recognition by the chairman shall first be obtained by any member addressing the committee or subcommittee, as appropriate, proposing a motion, or interrogating a witness.

(b) The 5-minute rule shall apply in the markup of a bill. The 5-minute rule shall apply in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question the witness.

(c) The regular order shall be observed in all proceedings, and all questions and statements in the interrogation of witnesses shall be germane to the legislation or other matters then being considered.

#### RULE 9. REFERENCE OF LEGISLATION

(a) Each bill, resolution, or other matter referred to the committee, subject to the provisions of this rule, shall be re-referred to the subcommittee having jurisdiction over its principal subject within 2 weeks from the date of its referral to the committee unless the chairman of the committee orders that it be held for the committee's direct consideration. If the chairman so orders, he shall inform the members of the committee of his decision and it shall not become final until 1 week after he has so informed them and then only if a majority of the members of the committee have not, in the meantime, advised him in writing of their disagreement therewith.

(b) A bill, resolution, or other matter referred by the chairman of the committee to a subcommittee may be recalled by him for the committee's direct consideration or for referral to another subcommittee. If recalled, the chairman shall inform the members of the committee of his decision and it shall not become final until 1 week after he has so informed them and then only if a majority of the members of the committee have not, in the meantime, advised him in writing of their disagreement with his decision.

(c) A bill, resolution, or other matter referred to a subcommittee may be recalled by a majority vote of the committee, a majority being present, for its direct consideration or for reference to another subcommittee.

(d) A bill, resolution, or other matter referred to the committee may be referred simultaneously by the chairman of the committee to two or more subcommittees for

concurrent consideration, for consideration in sequence, or for consideration of particular parts, or the matter may be referred by the chairman to a special ad hoc subcommittee or task force established under rule 21.

#### RULE 10. STATEMENTS; DEPOSITIONS

Statements, depositions, letters, and such other pertinent matter in appropriate form as may be timely submitted may be accepted for inclusion in printed hearings, records, or documents, or in the permanent files of the committee, by the chairman of the committee or subcommittee, as appropriate, without objection or upon motion duly adopted.

#### RULE 11. HEARINGS; WITNESSES

(a) Public announcement of the date, place, and subject matter of each hearing to be conducted by the committee, or by a subcommittee, shall be made at least 1 week before the commencement of a hearing, unless the chairman of the committee or subcommittee, as appropriate, determines that there is good cause to begin a hearing at an earlier date in which event such public announcement shall be made at the earliest possible date.

(b) Hearings shall be open to the public except when the committee, or subcommittee, as appropriate, votes to close a hearing in accordance with House Rule XI, Clause 2(g)(2).

(c) Except as otherwise provided in these rules, the scheduling of witnesses and the time allowed for the presentation of testimony and interrogation shall be at the sole discretion of the chairman, unless otherwise ordered by a majority vote of the committee or subcommittee, as appropriate, a quorum being present.

(d) When any hearing is conducted upon any measure or matter, the minority party members of the committee, or subcommittee, as appropriate, upon request to the chairman by a majority of the minority party members before completion of the hearings, shall be entitled to call witnesses to testify on at least 1 day of such hearings.

(e) Each witness who is to appear before the committee, or subcommittee, as appropriate, and who has had appropriate and timely notice of such appearance shall file with the committee, or subcommittee, as appropriate, at least 48 hours in advance of his appearance, at least 35 copies of the statement of his proposed testimony and limit his oral presentation at his appearance to a brief summary of his argument. The requirement of this rule may be waived, in whole or in part, by the chairman, without objection, or pursuant to a motion duly adopted.

(f) A witness may obtain a transcript of his testimony given at a public session or, if given at an executive session, when authorized by the committee or subcommittee, as appropriate.

#### RULE 12. POWER TO SIT AND ACT; SUBPENA POWER; OATHS

(a) The committee and each subcommittee is authorized—

(1) to sit and act at such times and places, whether the House is in session, has recessed, or has adjourned, and to hold hearings; and

(2) subject to paragraph (c), to require by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary.

(b) The chairman of the committee or of a subcommittee, as appropriate, or any

member designated by the chairman, may administer oaths to witnesses.

(c) A subpoena may be authorized and issued by the committee or by a subcommittee in the conduct of its functions and duties under House Rules X and XI or under the committee rules when authorized by a majority vote of the committee or subcommittee, as appropriate, a majority being present, or when authorized by the chairman of the committee.

(d) Authorized subpoenas shall be signed by the chairman of the committee or, in his absence, by a member designated by the chairman.

#### RULE 13. FILING REPORTS; SUPPLEMENTAL, MINORITY, OR ADDITIONAL VIEWS

(a) No measure or recommendation, including any report or submission required to be made to the House or to the Committee on the Budget by the committee under paragraphs (g), (h), and (i) of Clause 4 of Rule X of the Rules of the House, shall be reported unless a majority of the committee or subcommittee, as appropriate, was actually present.

(b) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(c) It shall be the duty of the chairman of a subcommittee to promptly request consideration in the committee of any measure approved by the subcommittee, and it shall be the duty of the chairman of the committee to schedule such measure for consideration by the committee as promptly as possible.

(d) In the event the report of the committee on a measure which has been approved by the committee has not been filed as prescribed by paragraph (b) of this rule, such report shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the general counsel of the committee a written request, signed by a majority of the members of the committee, for reporting of that measure.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views with the general counsel of the committee. Such views shall be in writing and signed by the member.

(f) All committee, subcommittee, or staff reports printed pursuant to legislative or oversight investigations and not approved by a majority of the members of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: (This report has not been officially approved by the (subcommittee/committee) and, therefore, may not necessarily reflect the views of all of its members.)

#### RULE 14. LEGISLATIVE OVERSIGHT

The committee, together with its subcommittees, shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee.

#### RULE 15. INVESTIGATIVE STAFF

Except as provided in Rule XI, clause 5(d) of the Rules of the House of Representa-

tives, the investigative staff of the Committee on Post Office and Civil Service shall be appointed as follows:

(1) The subcommittee staff shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman within the budget approved for the subcommittee by the committee;

(2) The staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee; and

(3) The staff of the committee not assigned to a standing subcommittee or to the minority under the above provisions shall be appointed, and may be removed, and their remuneration determined by the chairman within the budget approved for such purposes by the committee.

#### RULE 16. SPECIAL FUNDS, BUDGET, EXPENSES, AND ACCOUNTS

(a) The chairman of each standing subcommittee shall propose and present to the chairman of the committee, for each session of the Congress, a subcommittee budget of the estimated amount of special funds necessary to carry out the anticipated activities and programs of the subcommittee for that particular session of the Congress.

(b) The chairman of the committee shall review each proposed subcommittee budget and, after consultation with the ranking minority member, shall propose and present to the committee, for each session of the Congress, a committee budget of the estimated total amount of special funds to be requested under a primary expense resolution required under House Rule XI, Clause 5, for use by the committee, both the majority and the minority, for such session of the Congress for all anticipated activities and programs of the committee and of the standing subcommittees.

(c) The staff director shall establish and maintain records and accounts, consistent with sound accounting practices, of committee and subcommittee special funds and of expenses incurred and paid as obligations of such funds. He shall prepare and submit to each member of the committee, not later than 10 days after the end of each quarter of the calendar year, an itemized report of the amounts of such funds expended and on hand at the end of the quarter. Such quarterly reports shall be made a part of the permanent official records of the committee.

(d) Vouchers for payment of obligations of special funds shall be prepared by the staff director for signature by the chairman of the committee, except as otherwise authorized by the House, and shall be supported by receipts or other documentation consistent with the requirements of the Committee on House Administration. Signed vouchers shall be returned to the staff director for entry in the committee accounts and final processing.

#### RULE 17. BROADCASTING HEARINGS

A hearing conducted by the committee, upon approval by a majority vote of the committee, a quorum being present, or a hearing conducted by a subcommittee, upon approval by a majority vote of the subcommittee, a quorum being present, may be covered in whole, or in part, by television broadcast, radio broadcast, and still photography, in accordance with House Rule XI, Clause 3, subject to the following:

(1) live coverage is to be broadcast without commercial sponsorship;

(2) no subpoenaed witness may be photographed, televised, or broadcast against his will;

(3) television coverage shall be limited to four fixed cameras not obstructing committee or subcommittee proceedings or other media;

(4) equipment must be installed prior to the hearing;

(5) lighting shall be at the lowest adequate level;

(6) no more than five still photographers may cover any hearing;

(7) still photographers shall not come between the witnesses and committee members or obstruct the other media during the hearing; and

(8) broadcast and photography personnel shall be orderly and unobtrusive and shall be currently accredited to the Radio, Television Correspondents', or the Press Photographers' Galleries, as appropriate.

#### RULE 18. AVAILABILITY OF SUBCOMMITTEE REPORTS

A summary and explanation of each measure or matter reported by a subcommittee shall be furnished to each member of the committee in advance of the committee meeting at which such measure or matter is to be considered.

#### RULE 19. TRAVEL

(a) All members of the committee shall have adequate notice prior to the date or dates fixed for investigations or hearings at location other than Washington, D.C.

(b) Travel of members and staff of the committee or of a subcommittee to hearings, meetings, conferences, and investigations must be authorized by the chairman of the committee prior to any public notice thereof or the actual travel. Before such authorization is given, there shall be submitted to the chairman of the committee a statement in writing which includes the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(c) A report on the travel (except travel in connection with hearings) of each member or staff member shall be submitted to the chairman of the committee as soon as possible after the trip is completed.

(d) Not later than 60 days after the completion of foreign travel, each member or staff member shall submit to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. Such reports shall be made available for inspection by the public, as required by House Rule XI, Clause 2(n).

(e) To facilitate the oversight and other legislative and investigative activities of the committee, the chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, D.C.

#### RULE 20. CLASSIFIED MATERIAL

(a) All classified material received by the committee or by a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The chairman of the committee shall establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any such classified material. Such procedures shall, however, insure access to this information at the committee offices by any member of the committee or any other Member of the House of Representatives who has requested the opportunity to review such material.

#### RULE 21. STANDING AND SPECIAL SUBCOMMITTEES

There shall be seven standing subcommittees of the committee. The Subcommittee on Investigations shall have investigative jurisdiction over all matters within the jurisdiction of the committee, and the other six subcommittees shall have legislative and investigative jurisdiction as provided under paragraphs (2) through (7) of rule 22. In addition to the standing subcommittees, the chairman of the committee may establish such special ad hoc subcommittees and task forces and assign to them such jurisdiction as the chairman deems necessary.

#### RULE 22. JURISDICTION OF SUBCOMMITTEES

The titles and jurisdiction of the standing subcommittees shall be as follows:

(1) Subcommittee on Investigations: The investigation, review and study, on a continuing basis, of the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee.

(2) Subcommittee on Compensation and Employee Benefits: Compensation, including pay rates and pay systems; the merit pay system; dual compensation; classification of positions; leave; allowances; retirement; insurance; health benefits; and other benefits of Federal officers and employees.

(3) Subcommittee on Human Resources: Federal, civilian personnel requirements and ceilings, including the establishment of supergrade and executive level positions; effect of Government reorganizations on Federal personnel; employee utilization; reductions in force; contracting out; rights of privacy; code of ethics, including financial disclosure and conflicts of interest; alternative work schedules; White House personnel authorization; and intergovernmental personnel programs.

(4) Subcommittee on the Civil Service: Federal civil service matters, generally, except those matters specifically within the jurisdiction of other subcommittees; Federal labor management relations (excluding the Postal Service); the Senior Executive Service; productivity of Federal employees; and employee political activities.

(5) Subcommittee on Postal Operations and Services: The United States Postal Service and the Postal Rate Commission, generally, including operation and administration thereof; postal finances and expenditures (except those relating to matters within the jurisdiction of the Subcommittee on Postal Personnel and Modernization); public service aspects, requirements, and reimbursements; and the United States mails (except those matters specifically within the jurisdiction of the Subcommittee on Postal Personnel and Modernization).

(6) Subcommittee on Postal Personnel and Modernization: Postal officers and employ-



ees, generally, including their status and appointment; postal management and other personnel requirements and practices; employee utilization; postal labor management relations; postal facilities and mechanization, including modernization and research and development; mailability of matter; mail transportation; and military mail.

(7) Subcommittee on Census and Population: The Bureau of the Census, generally; population and demography; statistics collection; reporting and data processing activities of the Government, generally; and holidays and celebrations.

#### RULE 23. MEMBERSHIP OF SUBCOMMITTEES

(a) Except as provided in paragraph (b), each subcommittee shall have six members, divided between the majority and minority members in the ratio of four to two.

(b) The Subcommittee on Postal Operations and Services shall have eight members, divided between the majority and minority members in the ratio of five to three.

(c) The chairman and ranking minority member of the committee shall be ex officio voting members of each legislative subcommittee on which they do not serve.

(d) Each member of the committee may sit with any subcommittee during its hearings or deliberations, but no member who is not a member of a subcommittee shall vote on any matter before that subcommittee.

#### RULE 24. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, conduct investigations, receive evidence, and report to the committee on all matters referred to it. Subcommittee chairmen shall set meeting and hearing dates after consultation with the chairman of the committee and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings whenever possible. A subcommittee may exercise none of the powers or authorities hereinbefore provided with respect to any investigation or other activity which is not within the jurisdiction of the subcommittee or which requires the expenditure of funds in excess of the subcommittee's budget as approved by the committee, except upon authorization by a majority vote of the committee, a quorum being present.

#### RULE 25. REQUIRED MEETING

Each standing subcommittee, as referred to in rule 22, shall meet for the transaction of subcommittee business from time to time while Congress is in session, at a time and on a day determined by the subcommittee with due regard to the time and dates of the regular meetings of the committee and other subcommittees. All meetings of each subcommittee shall be open to the public except when the subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, Clause 2(g)(1).

#### RULE 26. SUBCOMMITTEE QUORUM

(a) Except as provided under paragraphs (b) and (c) of this rule, or under House Rule XI, Clause 2(g)(2), one-third of the total membership of a subcommittee shall constitute a quorum for the purpose of transacting subcommittee business.

(b) A majority of the total membership of a subcommittee shall constitute a quorum for the purpose of—

(1) reporting a measure or recommendation to the committee;

(2) voting to close a meeting under rule 25; and

(3) authorizing the issuance of a subpoena under rule 12(c).

(c) Not less than two members of a subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

#### RULE 27. AMENDMENTS

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chairman shall allow an appropriate period of time for the provision thereof.

#### RULE 28. OTHER ACTIONS; STAFF SUPERVISION

The chairman of the committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operations of the committee, including the general supervision of the statutory and investigative staffs of the committee.

### RULES OF COMMITTEE ON EDUCATION AND LABOR FOR 98TH CONGRESS

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I submit for publishing in the CONGRESSIONAL RECORD the Rules of the Committee on Education and Labor for the 98th Congress, adopted by the committee in open session on January 25, 1983, all in compliance with rule XI, clause 2 of the Rules of the U.S. House of Representatives.

#### RULES OF THE COMMITTEE ON EDUCATION AND LABOR

##### RULE 1. REGULAR AND SPECIAL MEETINGS

(a) Regular meetings of the committee shall be held on the second and fourth Tuesdays of each month at 9:45 a.m., while the Congress is in session. When the Chairman believes that the committee will not be considering any bill or resolution before the committee and that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable a written notice to that effect and no committee meeting shall be held on that day.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a

majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) All legislative meetings of the committee and its subcommittees shall be open. No business meeting of the committee, other than regularly scheduled meetings, may be held without each member being given reasonable notice. Such meeting shall be called to order and presided over by the Chairman, or in the absence of the Chairman, by the ranking majority party member of the committee present.

#### RULE 2. QUESTIONING OF WITNESSES

Committee members may question witnesses only when they have been recognized by the Chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority party. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority party members present and shall establish the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantageous position. The Chairman may accomplish this by recognizing two majority party members for each minority party member recognized.

#### RULE 3. RECORDS AND ROLLCALLS

Written records shall be kept of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee or subcommittee for inspection by the public at reasonable times in the offices of the committee or subcommittee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present by not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

#### RULE 4. STANDING SUBCOMMITTEES: SIZE, RATIO AND JURISDICTION

(a) There shall be eight standing subcommittees with the following jurisdictions:

*Subcommittee on Elementary, Secondary and Vocational Education.*—Education from preschool through the high school level and vocational education including, but not limited to elementary and secondary education generally, vocational education,

school lunch and child nutrition, adult basic education, migrant and agricultural labor education, and overseas dependent schools.

The Subcommittee on Elementary, Secondary and Vocational Education shall consist of 19 Members, 12 from the Majority and 7 from the Minority. This ratio includes Ex Officio Members.

**Subcommittee on Employment Opportunities.**—Comprehensive employment and training, work incentive and equal employment opportunities including, but not limited to Comprehensive Employment and Training Act, equal employment opportunities, Humphrey-Hawkins, displaced homemakers, Wagner-Peyser (employment services), Youth Conservation Corps, Young Adult Conservation Corps, import trade impacts, plant relocation impact, and WIN.

The Subcommittee on Employment Opportunities shall consist of 21 Members, 13 from the Majority and 8 from the Minority. This ratio includes Ex Officio Members.

**Subcommittee on Labor-Management Relations.**—Relationship between employer and employee and their representatives including, but not limited to labor-management relations generally, Bureau of Labor Statistics, pension reform (ERISA), and Service Contract Act.

The Subcommittee on Labor-Management Relations shall consist of 11 Members, 7 from the Majority and 4 from the Minority. This ratio includes Ex Officio Members.

**Subcommittee on Health and Safety.**—Workers' health and safety including, but not limited to, occupational safety and health, mine health and safety, youth camp safety, and migrant and agricultural labor, health and safety.

The Subcommittee on Health and Safety shall consist of 8 Members, 5 from the Majority and 3 from the Minority. This ratio includes Ex Officio Members.

**Subcommittee on Human Resources.**—All matters dealing with programs and services for the elderly, for the elimination of poverty and for the care and treatment of children, exclusive of education programs including, but not limited to Economic Opportunity and Community Services Acts (Head Start, Community Services, etc.), Juvenile Justice and Delinquency Prevention, Runaway Youth Act, early childhood services, nutrition programs for the elderly, and older Americans.

The Subcommittee on Human Resources shall consist of 11 Members, 7 from the Majority and 4 from the Minority. This ratio includes Ex Officio Members.

**Subcommittee on Postsecondary Education.**—Education beyond the high school level including, but not limited to higher education generally, education professions development, postsecondary student assistance, arts and humanities, museums, and library services and construction.

The Subcommittee on Postsecondary Education shall consist of 15 Members, 9 from the Majority and 6 from the Minority. This ratio includes Ex Officio Members.

**Subcommittee on Labor Standards.**—Wages and hours of labor including, but not limited to Davis-Bacon Act, Walsh-Healey Act, Fair Labor Standards Act (including child labor), workers' compensation generally, Longshoremen's and Harbor Workers' Compensation Act, Federal employees' compensation, and the Farm Labor Contractor Registration Act.

The Subcommittee on Labor Standards shall consist of 12 Members, 8 from the Majority and 4 from the Minority. This ratio includes Ex Officio Members.

**Subcommittee on Select Education.**—Special education programs including, but not limited to alcohol and drug abuse, education of the handicapped, rehabilitation, environmental education, National Institute of Education, migrant and agricultural labor day care, child adoption, child abuse, domestic violence, and domestic volunteers, ACTION (excluding volunteer older American programs).

The Subcommittee on Select Education shall consist of 12 Members, 8 from the Majority and 4 from the Minority. This ratio includes Ex Officio Members.

(b) The Majority party Members of the Committee may provide for such special and select subcommittees as determined to be appropriate.

#### RULE 5. EX OFFICIO MEMBERSHIP

The Chairman of the Committee and the ranking Minority party Member of the Committee shall be ex officio members of each Subcommittee established pursuant to Rule 4.

#### RULE 6. SPECIAL ASSIGNMENT OF MEMBERS

To facilitate the oversight and other legislative and investigative activities of the committee, the Chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington. Any member of the committee may attend public hearings of any subcommittee and shall be afforded an opportunity by the subcommittee chairman to question witnesses.

#### RULE 7. SUBCOMMITTEE CHAIRMANSHIP

The majority party members of the committee shall have the right, in order of full committee seniority, to bid for subcommittee chairmanships. Any such request shall be subject to approval by a majority of those present and voting in the majority party caucus of the committee. Members so elected shall be chairman of their respective subcommittees.

#### RULE 8. SUBCOMMITTEE SCHEDULING

Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible. Available dates for subcommittee meetings during the session shall be assigned by the Chairman to the subcommittees as nearly as practicable in rotation and in accordance with their workloads.

#### RULE 9. SUBCOMMITTEE RULES

The rules of the committee shall be the rules of its subcommittees.

#### RULE 10. COMMITTEE STAFFS

Except as provided in Rule XI, clause 5(d) of the Rules of the House of Representatives, the staff of the House Committee on Education and Labor shall be appointed as follows:

A. The subcommittee staff shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman in consultation with and with the approval of the majority party members of the subcommittee within the budget approved for the subcommittee by the full committee;

B. The staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority party

members of the committee shall determine within the budget approved for such purposes by the committee;

C. The employees of the committee not assigned to a standing subcommittee or to the minority under the above provisions shall be appointed, and may be removed, and their remuneration determined by the Chairman in consultation with and with the approval of the majority party members of the committee within the budget approved for such purposes by the committee.

#### RULE 11. SUPERVISION AND DUTIES OF COMMITTEE STAFFS

The staff of a subcommittee shall be under the general supervision and direction of the chairman of that subcommittee. The staff assigned to the minority shall be under the general supervision and direction of the minority party members of the committee who may delegate such authority as they determine appropriate. The staff of the committee not assigned to a subcommittee or to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he determines appropriate.

Staff members shall be assigned to committee business and no other duties may be assigned to them.

#### RULE 12. HEARINGS PROCEDURE

(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee or subcommittee determines that there is good cause to begin such hearing at an earlier date. In the latter event the Chairman or the subcommittee chairman whichever the case may be shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 24 hours in advance of his appearance, a written statement of his proposed testimony and shall limit his oral presentation to a summary of his statement. The clerk of the committee or the subcommittee, as the case may be, shall promptly furnish to the clerk of the minority a copy of such testimony submitted to the committee pursuant to this rule.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

#### RULE 13. MEETINGS—HEARINGS—QUORUMS

(a) Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the committee for final action, together with such recommendations as may be agreed upon by the subcommittee. No such meetings or hearings, however,



shall be held outside of Washington or during a recess or adjournment of the House without the prior authorization of the committee Chairman or a majority of a quorum of the subcommittee: *Provided*, That where feasible and practicable, 14 days notice will be given of such meeting or hearing.

(b) One-third of the members of the committee or subcommittee shall constitute a quorum for taking any action other than amending committee rules, closing a meeting from the public, reporting a measure or recommendation, or in the case of the committee authorizing a subpoena. For the enumerated actions a majority of the committee or subcommittee shall constitute a quorum. Any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(c) In the absence of the chairman of the committee or a subcommittee, the ranking majority party member present shall preside.

#### RULE 14. SUBPOENAS

A subpoena may be authorized and issued by the Committee or subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the Members of the full Committee voting, a majority being present. Authorized subpoenas shall be signed by the Chairman of the Committee or by any Member designated by the Committee.

#### RULE 15. REPORTS OF SUBCOMMITTEES

(a) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(b) In any event, the report, described in the proviso in paragraph (d) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the subcommittee notice of the filing of that request.

(c) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on Education and Labor (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(d) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported and shall be considered by the full committee in the order in which they were reported unless the committee shall by ma-

jority vote otherwise direct: *Provided*, That no bill reported by a subcommittee shall be considered by the full committee unless it has been in the hands of all members at least 48 hours prior to the meeting, together with a comparison with present law and a section-by-section analysis of the proposed change.

#### RULE 16. PROXIES

(a) A vote by any member in the committee or in any subcommittee may be cast by proxy, but such proxy must be in writing and in the hands of the chief clerk of the committee or the clerk of the subcommittee, as the case may be, during each rollcall in which they are to be voted. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigned his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

(b) Proxies shall be in the following form:

*Hon. \_\_\_\_\_,*  
*House of Representatives,*  
*Washington, D.C.*

DEAR \_\_\_\_\_: Anticipating that I will be absent on official business or otherwise unable to be present, I hereby authorize you to vote in my place and stead in the consideration of \_\_\_\_\_ and any amendments or motions pertaining thereto.

\_\_\_\_\_  
*Member of Congress.*

Executed this the \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, at the time of \_\_\_\_\_ P.M./A.M.

#### RULE 17. AUTHORIZATION FOR TRAVEL

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be paid from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee.

Before such authorization is given there shall be submitted to the Chairman in writing the following:

- (1) The purpose of the travel;
- (2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made;
- (3) The location of the event for which the travel is to be made;
- (4) The names of members and staff seeking authorization.

(b) In the case of expenses for travel of members and staff of a subcommittee to hearings, meetings, conferences, investigations involving activities or subject matter under the legislative assignment of such subcommittee, including the expenses of witnesses at hearings, subject to the limitations contained in rule 21, to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be

given by the Chairman only upon the representation by the appropriate chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a) and in addition thereto setting forth that subcommittee funds are available to cover the expenses of the person or persons being authorized by the subcommittee chairman to undertake the travel and that there has been a compliance where applicable with Rule 12 of the committee.

(c)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittees prior authorization must be obtained from the Chairman, or, in the case of a subcommittee, from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

- (A) the purpose of travel;
- (B) the dates during which the travel will occur;
- (C) the names of the countries to be visited and the length of time to be spent in each;
- (D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and
- (E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) The Chairman shall not approve a request involving travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conference) shall submit a written report to the Chairman covering the activities of the subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(d) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, including rules, procedures and limitations prescribed by the Committee on House Administration with respect to domestic and foreign expense allowances.

(e) Prior to the Chairman's authorization for any travel the ranking minority party member shall be given a copy of the written request therefor.

## RULE 18. OVERSIGHT

(a) In order to enable the Committee to carry out its responsibilities under Rule X, clause 2 of the Rules of the House of Representatives, each subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, each such subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that subcommittee.

(b) The Chairman of the committee, consistent with Rule 4, from time to time in order to fulfill the committee's responsibility under Rule X, clause 3(c) of the Rules of the House of Representatives, shall assign matters to subcommittees for reviewing, studying, and coordinating, on a continuing basis, all laws, programs, and Government activities dealing with or involving domestic educational programs and institutions, and programs of student assistance, which are within the jurisdiction of other committees.

(c) The Chairman of the committee, consistent with Rule X, clause 2(d) of the Rules of the House of Representatives, shall from time to time assign matters to subcommittees for reviewing and studying on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the committee.

## RULE 19. REFERRAL OF BILLS, RESOLUTIONS, AND OTHER MATTERS

(a) Each bill, resolution, or other matter which relates to a subject listed under the jurisdiction of any subcommittee named in Rule 4 referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks, unless, by majority vote of the majority party members of the committee, consideration is to be by the full committee.

(b) In carrying out paragraph (a) with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees, consistent with Rule 4, for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or refer the matter, pursuant to Rule 4, to a special ad hoc subcommittee, appointed by the Chairman (from the members of the subcommittees having legislative jurisdiction) for the specific purpose of considering that matter and reporting to the committee thereon, or make such other provisions as may be considered appropriate.

(c) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be

made unless one or more subcommittee chairmen shall have given written notice to the chairman of the full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

## RULE 20. COMMITTEE REPORTS

(a) All committee reports on bills or resolutions shall comply with the provisions of clause 2 of Rule XI of the Rules of the House of Representatives.

(b) No such report shall be filed until copies of the proposed report have been available to all members at least 36 hours prior. No material change shall be made in the report distributed to members unless agreed to by majority vote: *Provided*, That any member or members of the committee may file, as part of the printed report, individual, minority, or dissenting views, without reference to the preceding provisions of this rule.

## RULE 21. BUDGET AND EXPENSES

(a) The Chairman, in consultation with the majority party members of the committee shall, for each session of the Congress, prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the committee and after consultation with the minority party membership, the Chairman shall include amounts budgeted to the minority party members for staff personnel to be under the direction and supervision of the minority party, travel expenses of minority members and staff, and minority party office expenses. All travel expenses of minority party members and staff shall be paid for out of the amounts so set aside and budgeted. The chairman of each standing subcommittee, in consultation with the majority party members thereof, shall prepare a supplemental budget to include funds for each additional staff, and for such travel, investigations, etc., as may be required for the work of such subcommittee. Thereafter, the Chairman shall combine such proposals into a consolidated committee budget, and shall present the same to the committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. After said budget shall have been adopted, no change shall be made in such budget unless approved by the committee. The Chairman or the chairman of any standing subcommittee may initiate necessary travel requests as provided in Rule 16 within the limits of their portion of the consolidated budget as approved by the House, and the Chairman may execute necessary vouchers therefor.

(b) Each subcommittee, subject to the rules of the House and procedures prescribed by the Committee on House Administration, may expend out of funds budgeted and set aside for it not to exceed \$2,000 in

any one session of the Congress for the necessary expense for travel and lodging of witnesses in attending subcommittee hearings in Washington, D.C. Out of the funds set aside to the minority party members there may be expended not to exceed \$2,000 in any session of the Congress for the necessary expense for travel and lodging of witnesses in attending subcommittee hearings in Washington, D.C. for each of the subcommittees.

(c) Once monthly, the Chairman shall notify the committee, in writing, that a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the committee is available to every Member in the office of the Clerk of the Committee. Such report shall show the amount and purpose of each expenditure and the budget to which such expenditure is attributed.

## RULE 22. APPOINTMENT OF CONFEREES

Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall recommend to the Speaker as conferees the names of those members of the subcommittee which handled the legislation in the order of their seniority upon such subcommittee and such other committee members as the Chairman may designate with the approval of the majority party members. Recommendations of the Chairman to the Speaker shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the full committee. In making assignments of minority party members as conferees the Chairman shall consult with the ranking minority party member of the committee.

## RULE 23. BROADCASTING OF COMMITTEE HEARINGS

(a) When any hearing or meeting of the committee or a subcommittee is open to the public, that hearing or meeting may be covered in whole or in part by television broadcast, radio broadcast, and still photography, or by other such methods of coverage. Such coverage of hearings and meetings is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions and requirements of clause 3 of Rule XI of the rules of the House of Representatives.

(b) The general conduct of each hearing or meeting covered under authority of this clause and the personal behavior of committee members, staff, other government officials and personnel, witnesses, television, radio and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House.

(c) Persons undertaking to cover committee hearings or meetings under authority of this rule shall be governed by the following limitations:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still



photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplemental to clause 2(k)(5) of Rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobolights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

#### RULE 24. CHANGES IN COMMITTEE RULES

A proposed change in these Rules shall not be considered by the committee unless the text of such change has been in the hands of all Members at least 48 hours prior to the meeting in which the matter is considered.

#### RULE XI, CL. 2 (K)—RULES OF THE U.S. HOUSE OF REPRESENTATIVES, 98TH CONGRESS

##### INVESTIGATIVE HEARING PROCEDURES

(k)(1) The chairman at an investigative hearing shall announce in the opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 2(g)(2) of this Rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person. In either case the committee shall afford such person an opportunity voluntarily to appear as a witness; and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RODINO (at the request of Mr. WRIGHT), for today and Tuesday, February 8, 1983, on account of a death in the family.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. DOWNEY, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mrs. BOGGS, for 30 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. GEPHARDT, for 60 minutes, on February 8.

Mr. TAUZIN, for 60 minutes, on February 8.

Mr. MILLER of California, for 10 minutes, on February 10.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. BOGGS, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$1,532.

(The following Members (at the request of Mr. BATEMAN) and to include extraneous matter:)

Mr. YOUNG of Florida in 10 instances.

Mr. LENT.

Mr. MARRIOTT.

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. BEILENSEN.

Mr. STARK in five instances.

Mr. LEHMAN of Florida in three instances.

Mr. LELAND.

Mr. DYMALLY.

Mr. FRANK in three instances.

Mr. FORD of Michigan.

Mr. MINETA.

Mr. EDWARDS of California.

Mr. BURTON of California.

Mr. NATCHER in two instances.

Mr. FAUNTROY.

Mr. HAMILTON.

Mrs. SCHROEDER.

Mr. D'AMOURS.

Mr. EDGAR.

Mr. FROST.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. HARKIN.

Mr. DASCHLE in two instances.

Mr. KOSTMAYER.

#### SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 61. An act to designate a "Nancy Hanks Center" in the Old Post Office Building in Washington, District of Columbia, and for other purposes.

H.J. Res. 60. Joint resolution to direct the President to issue a proclamation designating February 16, 1983, as "Lithuanian Independence Day."

# EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees and delegations traveling under authorizations from the Speaker concerning the foreign currencies and U.S. dollars utilized by them during the fourth quarter of calendar year 1982 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

## ENROLLED JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

## ADJOURNMENT

Mrs. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 8, 1983, at 12 o'clock noon.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Wendell Belew	10/9	10/23	England	64.30	1,575.00		1,853.00				3,428.00
Representative Lynn Martin <sup>3</sup>	11/22	11/27	Switzerland	1,067.50	486.00		745.00				1,231.00
Representative Paul Simon	12/20	12/22	Italy	230.420	164.00						
	12/22	12/26	Germany	369.60	154.00						
	12/26	12/28	Hungary	2,971.60	76.00						
	12/28	1/2	Russia		445.00						
Pam American Airlines ticket paid in German marks							2,087.00				2,926.00
Peter Storm	12/27	12/28	Hungary	1,482.00	38.00						
	12/28	1/2	Russia		445.00						
	1/2	1/5	Germany	559.32	237.00						
	1/5	1/7	Italy	234.436	172.00						
TWA Airline ticket charged in German marks							2,465.80				3,357.80
Committee total					\$3,792.00		\$7,159.80				\$10,942.80

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Transportation to GATT conference was by domestic airline. Transportation to U.S. was by military aircraft.

JAMES R. JONES, Chairman, Jan. 19, 1983.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Wise, Samuel G.	10/8	10/10	Bucharest		80.00		\$1,602.00				\$1,766.00
	10/11	10/12	Germany	210	84.00						
Wise, Samuel G.	10/26	10/28	Belgium	8,230	168.00		1,293.00				1,461.00
Burns, Deborah M.	11/07	12/18	Spain	378,418	3,150.00		1,601.00				4,751.00
Davison, Lynne Ann	11/07	12/18	Spain	378,418	3,150.00		1,601.00				4,751.00
Deychakowsky, Orest	11/07	11/29	Spain	235,454	1,725.00		1,601.00				3,326.00
Donovan, Margaret Ann	11/07	11/26	Spain	178,349	1,500.00		1,601.00				3,101.00
Packard, Michael	11/08	11/24	Spain	151,755	1,275.00		1,450.00				2,725.00
Sandstrom, John	11/07	11/24	Spain	160,597	1,350.00		1,601.00				2,951.00
Wise, Samuel G.	11/07	11/29	Spain	235,454	1,725.00		1,601.00				3,326.00
Slettinger, Martin	11/27	12/18	Spain	199,852	1,650.00		1,635.00				3,285.00
Fierity, John	11/28	12/18	Spain	190,889	1,575.00		1,705.00				3,280.00
Richmond, Yale	11/28	12/18	Spain	190,889	1,575.00		1,705.00				3,280.00
Oliver, R. Spencer	11/28	12/04	Spain	62,737	525.00		2,999.00				3,524.00
Oliver, R. Spencer	12/09	12/20	Spain	104,775	825.00		3,244.00				4,257.00
	12/21	12/22	Austria		188.00						
Brescia, Christopher	12/05	12/11	Switzerland	1,147.95	546.00		1,734.00				2,619.77
	12/12	12/15	England	196.66	324.00	25.55	15.77				
Local transportation for staff while in Madrid, Spain							381.15				381.15

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANTE FASCELL, Chairman, Dec. 31, 1982.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
William G. Lawrence	12/17	12/19	Bahamas		384.00		142.00				526.00
Theodore J. Mehl	12/17	12/19	Bahamas		384.00		142.00				526.00
Committee total					768.00		284.00				1,052.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK BROOKS, Chairman, Jan. 20, 1983.



## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
David O'B. Martin, M.C.	11/19	11/23	Tokyo, Japan		0	Military					0
Committee Total					0		0				0

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MORRIS K. UDALL, Chairman, Jan. 28, 1983.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. William D. Ford	11/9	11/18	Great Britain	603.84	1,007.00					603.84	1,007.00
Transportation, Department of State							3,758.00				3,758.00
Hon. William (Bill) Clay	11/10	11/15	Great Britain	369.94	616.70					369.94	616.70
Transportation, Department of State							3,899.00				3,899.00
Hon. Steny H. Hoyer	11/9	11/12	Great Britain	196.95	327.00					196.65	327.00
Transportation, Department of State							3,665.00				3,665.00
Hon. Patricia F. Rissler	11/9	11/18	Great Britain	617.20	1,029.00					617.20	1,029.00
Transportation, Department of State							3,705.00				3,705.00
Margaret A. McGonagh	11/9	11/18	Great Britain	617.20	1,029.00					617.20	1,029.00
Transportation, Department of State							3,705.00				3,705.00
Joseph A. Fisher	11/9	11/18	Great Britain	617.20	1,029.00					617.20	1,029.00
Transportation, Department of State							3,705.00				3,705.00
Local transportation expenses for delegation						3,473.50	5,789.30			3,473.50	5,789.30
Hon. William C. Danvers	11/13	11/20	Great Britain	454.17	763.00					454.17	763.00
Pro rata share for cost of military air travel							1,937.00				1,937.00
Committee totals					5,800.70		30,163.30				35,964.00

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM D. FORD, Chairman, Jan. 26, 1983.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Watson	11/3-4	11/3	United States				1,370.00				1,370.00
	11/6	11/6	West Germany	612	240.00					612	240.00
	11/9	11/9	France	1,102	152.00					1,102	152.00
	11/14	11/14	England	288.13	477.00					288.13	477.00
Scheuer	11/7	11/7	United States				2,403.00				2,403.00
	11/20	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/23	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23	11/23	United States				2,403.00				2,403.00
Kopp	11/7	11/7	United States				2,403.00				2,403.00
	11/20	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/23	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23	11/23	United States				2,403.00				2,403.00
Palmer	11/7	11/7	United States				2,403.00				2,403.00
	11/20	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/23	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23	11/23	United States				2,403.00				2,403.00
Moses	11/7	11/7	United States				2,403.00				2,403.00
	11/20	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/23	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23	11/23	United States				2,403.00				2,403.00
Bach	11/7	11/7	United States				2,403.00				2,403.00
	11/20	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/23	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23	11/23	United States				2,403.00				2,403.00
Nicholas	11/7	11/7	United States				2,403.00				2,403.00
	11/20	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/23	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23	11/23	United States				2,403.00				2,403.00
Clement	11/7	11/7	United States				2,403.00				2,403.00
	11/20	11/20	China	1,720.34	862.50		43.60			1,720.34	906.10
	11/23	11/22	Hong Kong	2,050.20	309.00					2,050.20	309.00
	11/23	11/23	United States				2,403.00				2,403.00
Milder	11/9	11/9	United States				1,567.00				1,567.00
	11/10	11/9	Great Britain	346.99	577.00					346.99	577.00
	11/14	11/14	West Germany	410.22	159.00					410.22	159.00
	11/15	11/15	France	4,282	585.00					4,282.00	585.00
	11/24	11/24	United States								

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Ostenso		11/14	United States				309.00				309.00
	11/14	11/18	Canada	458.47	375.00					458.47	375.00
	11/18		United States								
Committee total					10,765.50		20,372.20				31,137.70

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON FUQUA, Chairman, Jan. 25, 1983.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Thomas G. Powers	10/17	10/27	Spain	93,638	825.00	184,211	1,623.00	3,773	33.24	281,622	2,481.24
Major L. Clark, III	11/6	11/8	Bermuda	NA	305.00	NA	341.00	NA	0	NA	646.00
Committee total						1,130.00	1,964.00		33.24		3,127.24

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PARREN J. MITCHELL, Chairman, Jan. 28, 1983.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Beryl Anthony, Jr.	11/14	11/17	Jamaica	556.50	318.00			231.33			549.33
	11/17	11/17	Panama								641.87
	11/17	11/19	Barbados	418.60	208.00		346.32		433.87		346.32
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237.00	237.00			234.39			471.39
Transportation by Department of Defense							2,182.38				2,182.38
Hon. Thomas J. Downey	11/14	11/17	Jamaica	556.50	318.00			231.33			549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00			433.87			641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237.00	237.00			234.39			471.39
Transportation by Department of Defense							2,182.38				2,182.38
Hon. Bill Frenzel	11/14	11/15	Germany	216.72	84.00						84.00
	11/15	11/19	Soviet Union		178.00						178.00
	11/19	11/22	France	1,653.00	228.00						228.00
	11/22	11/27	Switzerland	889.60	405.00						405.00
Transportation by Department of Defense							681.00				681.00
Hon. Sam M. Gibbons	11/14	11/17	Jamaica	556.50	318.00			231.33			549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00			433.87			641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237.00	237.00			234.39			471.39
Transportation by Department of Defense							1,841.65				1,841.65
Hon. Charles B. Rangel	11/14	11/17	Jamaica	556.50	318.00			231.33			549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00			433.87			641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00			234.39			471.39
Transportation by Department of Defense							2,182.38				2,182.38
Hon. Dan Rostenkowski	11/14	11/17	Jamaica	556.50	318.00			231.33			549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00			433.87			641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00			234.39			471.39
Transportation by Department of Defense							2,182.38				2,182.38
Hon. Richard T. Schulze	11/14	11/17	Jamaica	556.50	318.00			231.33			549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	196	103.00			216.94			319.94
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00			234.39			471.39
Transportation by Department of Defense							1,765.93				1,765.93
Hon. Guy Vander Jagt	11/14	11/17	Jamaica	556.50	318.00			231.33			549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00			433.87			641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00			234.39			471.39
Transportation by Department of Defense							2,182.38				2,182.38
Thelma J. Askey	10/24	10/27	Switzerland	528.05	\$243.00						243.00
Joseph K. Dowley—Continued	10/27	10/29	Belgium	8,286	168.00						168.00
							2,043.00				2,043.00
	11/14	11/17	Jamaica	556.50	318.00			231.33			549.33
	11/17	11/17	Panama								
	11/17	11/20	Barbados	418.60	208.00			433.87			641.87
Transportation by Department of Defense							346.32				346.32
							1,339.09				1,339.09
Refund	11/21	11/27	Switzerland	1,245.40	567.00		1,817.00				2,384.00
					50.00						50.00
	10/27	10/29	Belgium	8,286	168.00						168.00



REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982—  
Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Joseph K. Dowley	10/26	10/27	Switzerland	177.75	81.00						81.00
	10/29	10/30	Switzerland	354.40	162.00						162.00
							1,762.00				1,762.00
	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.38
James C. Healey, Jr.	11/4	11/10	Poland		487.50						2,072.50
Kenneth J. Kies	11/20	11/27	Switzerland	1,245.40	567.00						1,245.40
David B. Rohr	10/24	10/27	Switzerland	528.05	243.00						243.00
	10/27	10/29	Belgium	8.286	168.00						168.00
	10/29	11/1	England	186.76	315.00						315.00
							2,043.00				2,043.00
	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.38
John J. Salmon	11/23	11/28	Switzerland	1,067.50	486.00						2,303.00
	10/26	10/27	Switzerland	177.75	81.00						81.00
	10/27	10/29	Belgium	8.286	168.00						168.00
	10/29	10/30	Switzerland	354.40	162.00						162.00
							1,762.00				1,762.00
	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.38
John L. Sherman	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418.60	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/21	Dominican Republic	237	237.00				234.39		471.39
Transportation by Department of Defense							2,182.38				2,182.38
Arthur L. Singleton	10/20	10/26	Switzerland	1,046.35	486.00						2,205.00
Mary Jane Wignot	11/14	11/17	Jamaica	556.50	318.00				231.33		549.33
	11/17	11/17	Panama								
	11/17	11/19	Barbados	418	208.00				433.87		641.87
	11/19	11/19	St. Lucia								
	11/19	11/20	Dominican	79	79.00				78.13		157.13
Transportation by Department of Defense							1,652.35				1,652.35
Mary Jane Wignot	11/21	11/28	Switzerland	1,423.35	648.00						2,411.00
Rufus Yerxa	10/24	10/29	Switzerland	878	405.00				1,862.00		2,267.00
Committee totals					15,869.50		46,725.76		11,087.09		73,682.35

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, Jan. 28, 1983.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1982

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Annette Smiley, staff	10/31	11/3	Central America		53.00		538.96				591.96
Michael J. O'Neil, staff	11/8	11/24	Asia		1,345.25		2,524.56				3,869.81
James O. Bush	11/8	12/3	Asia		1,985.34		3,246.30				5,231.64
Committee total					3,383.59		6,309.82				9,693.41

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

EDWARD P. BOLAND, Chairman, Jan. 28, 1983.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PETER A. ABBRUZZESE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 14 AND 21, 1982

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Peter A. Abbruzzese	14 Oct	17 Oct	Turkey	40,140	229.00						229.00
	17 Oct	19 Oct	Greece	10,530	150.00						150.00
	19 Oct	21 Oct	Italy	249,680	174.00						174.00
Commercial transportation							2,125.00				2,125.00
							553.00		2,125.00		2,679.00

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER A. ABBRUZZESE, Nov. 1, 1982.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SPAIN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 19 AND 23, 1982

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Phillip Burton	11/19	11/23	Spain	35,850	300.00		1,467.00				1,767.00
Robert Garcia	11/19	11/23	Spain	35,850	300.00		1,467.00				1,767.00
Peter Abbruzzese	11/19	11/23	Spain	35,850	300.00		1,467.00				1,767.00
Committee total					900.00		4,401.00				5,301.00

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PHILLIP BURTON, Chairman, Dec. 17, 1982.

## AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SPAIN, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 19 AND 23, 1982

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Phillip Burton	11/19	11/23	Spain	35,850	300.00		1,753.00				2,053.00
Robert Garcia	11/19	11/23	Spain	35,850	300.00		1,753.00				2,053.00
Peter Abbruzzese	11/19	11/23	Spain	35,850	300.00		1,753.00				2,053.00
Committee total					900.00		5,259.00				6,159.00

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Includes pro-rata share of travel by military aircraft.

PHILLIP BURTON, Chairman, Dec. 17, 1982.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, R. GERARD SALEMME, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 11 AND 22, 1982

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
R. Gerard Salemmé	11/11	11/19	China	1,343.25	675.00		1,438.34				2,113.34
	11/19	11/22	Hong Kong	2,050.20	309.00		1,282.00				1,591.00

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

R. GERARD SALEMME, Dec. 19, 1982.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

283. A letter from the Director, Federal Emergency Management Agency, transmitting a report that the agency made no real or personal property acquisitions of emergency supplies and equipment during the quarter ending December 31, 1982, pursuant to section 201(h) of the Federal Civil Defense Act of 1950; to the Committee on Armed Services.

284. A letter from the Deputy Assistant Secretary of Defense (Reserve Affairs), transmitting a report as of September 30, 1982, on selected Reserve recruiting and retention incentives pursuant to 10 U.S.C. 2134, and 37 U.S.C. 308b and 308c; to the Committee on Armed Services.

285. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for studies under the National Flood Insurance Act of

1968 for fiscal years 1984-85; to the Committee on Banking, Finance and Urban Affairs.

286. A letter from the Chairman, National Diabetes Advisory Board, transmitting notice of a resolution passed by the Board at its meeting of January 17, 1983, that it is inadvisable to create new institutes within the National Institutes of Health before the completion of the review by the Department of Health and Human Services; to the Committee on Energy and Commerce.

287. A letter from the Director, Minerals Management Service, Department of Interior, transmitting notice of the proposed refund of \$135,161.89 in excess royalty payments to Chevron U.S.A. Inc. and Transco Exploration Co., pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953, as amended; to the Committee on Interior and Insular Affairs.

288. A letter from the Chief Judge, U.S. Claims Court, transmitting a copy of the court's judgment order in case No. 3-77 *Cecilia L. Thiemann v. the United States*; to the Committee on the Judiciary.

289. A letter from the General Counsel, Federal Emergency Management Agency,

transmitting a draft of proposed legislation to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes; to the Committee on Science and Technology.

290. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to make improvements in the Maternal and Child Health Block Grant; jointly to the Committees on Energy and Commerce and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FROST: Committee on Rules. House Resolution 49. Resolution to establish the Select Committee on Narcotics Abuse and Control (Rept. No. 98-4). Referred to the House Calendar.



PUBLIC BILLS AND  
RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALBOSTA (for himself, Mr. BROWN of Colorado, Mr. GINGRICH, Mr. FAZIO, Mr. RINALDO, Mr. FRANK, Mr. LANTOS, Mr. WON PAT, Mr. DWYER of New Jersey, Mr. YATRON, Mr. MCCOLLUM, Mr. DENNY SMITH, Mr. HERTEL of Michigan, Mr. TRAXLER, Mr. PRICE, Mr. LONG of Maryland, Mr. McGRATH, Mr. FORD of Michigan, Mr. MARTIN of New York, Mr. OBERSTAR, Mr. LUNGREN, Mr. KILDEE, Mr. HUGHES, Mr. HORTON, Mr. LEVIN of Michigan, Mr. McNULTY, Mr. JACOBS, Mr. WALGREN, Mr. FORSYTHE, Mr. KOGOVSEK, Mr. RITTER, Mr. LAFALCE, Mr. COELHO, Mr. VENTO, Mr. MOLLOHAN, Mr. FOGLIETTA, Mr. HATCHER, Mr. KRAMER, Mr. EDGAR, Mr. D'AMOURS, Mr. VOLKMER, Mr. CLAY, Mr. BEREUTER, Mr. HUBBARD, Mr. LEHMAN of Florida, Mr. FAUNTROY, Mr. ROTH, Mr. SMITH of Florida, Mr. MACK, Mr. BEVILL, Mr. GARCIA, Mr. MORRISON of Washington, Mr. SCHNEIDER, Mr. RUSSO, Mr. DANIEL, Mr. MRAZEK, Mr. MAZZOLI, Mr. McHUGH, Mr. CROCKETT, Mr. EDWARDS of Oklahoma, Mr. YOUNG of Alaska, and Mr. SENSENBRENNER):

H.R. 1276. A bill to amend title II of the Social Security Act to provide procedures for crediting the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund with the amounts of social security checks which have not been negotiated within 12 months; to the Committee on Ways and Means.

By Mr. ANDERSON:

H.R. 1277. A bill to amend title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954 to provide social security coverage for Members of Congress; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H.R. 1278. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to provide for Federal participation in the costs of the old-age, survivors, and disability insurance program and the medicare program, with appropriate reductions in social security taxes to reflect such participation, and with a substantial increase in the amount of an individual's annual earnings which may be counted for benefit and tax purposes; to the Committee on Ways and Means.

By Mr. BEILENSEN:

H.R. 1279. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require manufacturers of passenger cars to furnish information relating to the crashworthiness of the cars to prospective car buyers; to the Committee on Energy and Commerce.

By Mr. CONYERS:

H.R. 1280. A bill to modify the insanity defense in the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. PHILIP M. CRANE:

H.R. 1281. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the disposal of surplus property to States and local governments for correctional facility use; to the Committee on Government Operations.

By Mr. DASCHLE:

H.R. 1282. A bill to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DOWDY of Mississippi:

H.R. 1283. A bill to authorize construction of a dam on the Pearl River in the vicinity of Schocoe, Miss., for the purpose of providing flood control for Jackson, Columbia, Monticello, Georgetown, and points downstream from Jackson, Miss., in the Pearl River Basin; to the Committee on Public Works and Transportation.

By Mr. DORGAN:

H.R. 1284. A bill to amend the Internal Revenue Code of 1954 to eliminate the withholding of taxes from interest; to the Committee on Ways and Means.

By Mr. DOWNEY of New York (for himself, Mr. JACOBS, Mr. HOYER, Mr. HORTON, Mr. ADDABO, Mr. SUNIA, Mr. JEFFORDS, Mr. LAGOMARSINO, Mr. BEVILL, Mr. SIMON, Mr. PICKLE, Mr. McGRATH, Mr. LAFALCE, Mr. WEISS, Mr. LEVINE of California, Ms. FERRARO, Mr. MILLER of California, Mr. LEHMAN of Florida, Mr. SMITH of Florida, Mr. RATCHFORD, Mr. SEIBERLING, Mr. IRELAND, Mr. LELAND, Mr. SCHUMER, Mr. PRITCHARD, Mr. FEIGHAN, and Mr. CROCKETT):

H.R. 1285. A bill to amend the Internal Revenue Code of 1954 to remove certain limitations on charitable contributions of certain items; to the Committee on Ways and Means.

By Mr. EDGAR:

H.R. 1286. A bill to repeal the provision of the Military Selective Service Act prohibiting the furnishing of Federal financial assistance for postsecondary education to persons who have not complied with the registration requirement under that act; jointly, to the Committees on Armed Services and Education and Labor.

By Mr. EVANS of Iowa (for himself, Mr. ROBERTS, Mr. LEACH of Iowa, Mr. TAUKE, and Mrs. SMITH of Nebraska):

H.R. 1287. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of agricultural commodities received under a payment-in-kind program; to the Committee on Ways and Means.

By Mr. FAZIO (for himself, Mr. CHAPPIE, and Mr. MATSUI):

H.R. 1288. A bill to authorize the construction of a navigation project on the Sacramento River Deep Water Ship Channel; to the Committee on Public Works and Transportation.

By Mr. FRANK:

H.R. 1289. A bill to amend title 10, United States Code, to waive contributions to the military survivor benefit plan in the case of certain persons whose military retired pay is reduced because of an offsetting increase in compensation paid to such persons by the Veterans' Administration due to an increase in disability rating; to the Committee on Armed Services.

H.R. 1290. A bill to amend the Employee Retirement Income Security Act of 1974 to facilitate recovery, in civil actions brought by participants and beneficiaries under employee benefit plans, of benefits wrongfully denied them under such plans, and to provide for recovery by such participants and beneficiaries of a reasonable attorney's fee and costs of the action in all cases in which such denials are arbitrary or capricious; to the Committee on Education and Labor.

H.R. 1291. A bill to provide for the time in which to appeal to the Court of Appeals for the Federal Circuit from a determination of the U.S. International Trade Commission; to the Committee on the Judiciary.

H.R. 1292. A bill to amend the Internal Revenue Code of 1954 to increase the 2-year periods for rollover of gain on sale of principal residence to 3 years; to the Committee on Ways and Means.

H.R. 1293. A bill to amend the Internal Revenue Code of 1954 to provide that the discharge of home mortgage loans will not be treated as income; to the Committee on Ways and Means.

H.R. 1294. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income a certain portion of governmental pensions based on services not covered under the social security system; to the Committee on Ways and Means.

H.R. 1295. A bill to provide that section 402(a)(31) of the Social Security Act, which requires that certain income of a stepparent living with a dependent child be taken into account in determining such child's need under the aid to families with dependent children program, shall not apply in any case where the stepparent was already living with the child at the time such section became effective; to the Committee on Ways and Means.

By Mr. HARKIN (for himself, Mr. FOLEY, Mr. BEDELL, Mr. STENHOLM, Mr. DURBIN, Mr. ENGLISH, Mr. VOLKMER, Mr. DASCHLE, Mr. ANTHONY, Mr. HANCE, and Mr. SMITH of Iowa):

H.R. 1296. A bill to amend the Internal Revenue Code of 1954 to allow any taxpayer to elect to treat for income tax purposes any crop received under a Federal program for removing land from agricultural production as produced by the taxpayer, to allow any taxpayer to elect to defer income on any cancellation under such a program of any price support loan, and to provide that participation in such a program shall not disqualify the taxpayer for the special use valuation of farm real property under section 2032A of such Code; to the Committee on Ways and Means.

By Mr. LOTT:

H.R. 1297. A bill to amend title 28 of the United States Code to confer exclusive Federal appellate jurisdiction, with respect to State cases involving the death penalty, upon the U.S. Supreme Court; to the Committee on the Judiciary.

By Mr. MARRIOTT:

H.R. 1298. A bill to repeal sections 301 through 308 of the Tax Equity and Fiscal Responsibility Act of 1982, which impose withholding on interest and dividends; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. GUNDERSON, and Mr. EARLY):

H.R. 1299. A bill to expand and improve the domestic commodity distribution program; to the Committee on Agriculture.

H.R. 1300. A bill making an urgent appropriation for commodity distribution, and for other purposes; to the Committee on Appropriations.

By Mr. RITTER:

H.R. 1301. A bill to amend the Internal Revenue Code of 1954 to allow individuals an income tax credit for amounts paid or incurred for maintaining a household a member of which is a dependent of the taxpayer who has attained age 65; to the Committee on Ways and Means.

H.R. 1302. A bill to amend the Internal Revenue Code of 1954 to provide that in the case of individuals who have attained age 65 no estimated tax penalty shall be imposed

where the amount involved is under \$500; to the Committee on Ways and Means.

By Mr. SCHULZE:

H.R. 1303. A bill to provide for the elective payment of benefits under title II of the Social Security Act in the form of social security savings bonds, and for other purposes; to the Committee on Ways and Means.

By Mr. SKELTON:

H.R. 1304. A bill to establish the Harry S Truman National Historic Site in the State of Missouri, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VANDER JAGT:

H.R. 1305. A bill to amend the act of October 21, 1970, establishing the Sleeping Bear Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1306. A bill to change the name of the Grand Traverse Bay Harbor in Elmwood Township, Leelanau County, Mich., to the "Greilickville Harbor"; to the Committee on Public Works and Transportation.

By Mr. WYDEN (for himself, Mr. MIKULSKI, Mr. HUGHES, Mr. WHITEHURST, Mrs. BOGGS, Mr. LIVINGSTON, Mr. LOWRY of Washington, and Mr. SUNIA):

H.R. 1307. A bill to require owners of vessels engaged in foreign commerce using U.S. ports to establish and maintain financial responsibility for claims arising from the furnishing of maritime services to those vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HALL of Ohio:

H.J. Res. 128. Joint resolution with respect to conventional arms transfer limitations; to the Committee on Foreign Affairs.

By Mr. SAWYER:

H.J. Res. 129. Joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to enact and repeal laws by voting on legislation in a national election; to the Committee on the Judiciary.

By Mr. BIAGGI (for himself, Mr. MURPHY, Mr. FRANK, Mr. ADDABBO, Mr. RATCHFORD, Mr. OTTINGER, Mr. LANTOS, Mr. ROE, Mr. DASCHLE, Mr. WEISS, Mr. JEFFORDS, Mr. OWENS, Mr. ROSE, Mr. GEKAS, Mr. HATCHER, Mr. SUNIA, Mr. McGRATH, Mr. HERTEL of Michigan, Mr. FAZIO, Mr. HUGHES, Mr. FROST, Mrs. SCHROEDER, Mr. McNULTY, Mr. CROCKETT, Mr. LEVINE of California, Ms. MIKULSKI, Mr. LaFALCE, Mr. GARCIA, Mr. VENTO, Mr. McEWEN, Mr. LONG of Maryland, Mr. SOLARZ, Ms. FERRARO, Ms. KAPTUR, Mrs. HALL of Indiana, Mr. BEREUTER, Mr. MRAZEK, Mr. HYDE, Mr. MITCHELL, Mr. OBERSTAR, Mr. LEVIN of Michigan, and Mr. GINGRICH):

H. Con. Res. 45. Concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and for other purposes; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. LENT (for himself, Mr. BROYHILL, Mr. MADIGAN, and Mr. O'BRIEN):

H. Con. Res. 46. Concurrent resolution expressing the sense of the Congress that

studies should be undertaken immediately into methods of adequately financing the railroad retirement and railroad unemployment systems; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. MONTGOMERY (for himself and Mr. HAMMERSCHMIDT):

H. Con. Res. 47. Concurrent resolution expressing the sense of the Congress with respect to the role of the Administrator of Veterans' Affairs; to the Committee on Veterans' Affairs.

## MEMORIALS

Under clause 4 of rule XXII,

7. The SPEAKER presented a memorial of the Senate of the State of New Jersey, relative to the birthday of Martin Luther King, Jr., to the Committee on Post Office and Civil Service.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 1308. A bill for the relief of Yong-Suk Song; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.R. 1309. A bill for the relief of Clive Francis Harrison; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 41: Mr. SMITH of Florida, Mrs. BOUQUARD, Mr. FUQUA, Mr. McCOLLUM and Mr. IRELAND.

H.R. 42: Mr. CROCKETT, Mr. MINETA, Mr. GINGRICH, and Mr. GILMAN.

H.R. 46: Mr. SMITH of Florida and Mr. IRELAND.

H.R. 50: Mr. SMITH of Florida, Mr. FUQUA, and Mr. IRELAND.

H.R. 52: Mr. SMITH of Florida, Mr. FUQUA, Mr. McCOLLUM, Mr. NELSON of Florida, and Mr. IRELAND.

H.R. 53: Mr. SMITH of Florida, Mr. FUQUA, Mr. McCOLLUM, Mr. NELSON of Florida, Mr. IRELAND, and Mr. WYLIE.

H.R. 70: Mr. SMITH of Florida, Mr. FUQUA, Mr. MILLER of Ohio, Mr. McCOLLUM, Mr. FRENZEL, Mr. BEVILL, Mr. NELSON of Florida, Mr. SMITH of New Jersey, Mr. IRELAND, Mr. HYDE, Mr. WYLIE, Mr. COELHO, and Mr. HANSEN of Utah.

H.R. 79: Mr. MRAZEK and Mr. FUQUA.

H.R. 116: Mr. VANDER JAGT and Mr. CLINGER.

H.R. 500: Mr. BONER of Tennessee, Mrs. BYRON, Mr. CLINGER, Mr. HANSEN of Utah, Mrs. HALL of Indiana, Mr. LONG of Louisiana, Mr. McDONALD, Ms. MIKULSKI, Mr. SHUMWAY, Mr. STUDDS, Mr. WEBER, and Mr. WOLF.

H.R. 685: Mr. MARTIN of New York.

H.R. 835: Mr. MITCHELL, Mr. GUNDERSON, Mr. SAVAGE, Mr. CORRADA, Mrs. BOUQUARD, Mr. HORTON, Mr. WILSON, Mr. CLAY, Mr. HANCE, Mr. NELSON of Florida, Mr. CROCKETT, Mr. WEBER, Mr. SABO, and Mr. SHELBY.

H.R. 836: Mr. MITCHELL, Mr. GUNDERSON, Mr. SAVAGE, Mr. CORRADA, Mrs. BOUQUARD, Mr. HORTON, Mr. WILSON, Mr. CLAY, Mr. HANCE, Mr. NELSON of Florida, Mr. CROCKETT, Mr. WEBER, and Mrs. ROUKEMA.

H.R. 893: Mr. SENSENBRENNER.

H.R. 999: Mr. CLAY, Mrs. SNOWE, Mr. HUGHES, Mr. LELAND, Mr. STAGGERS, Mr. FORD of Tennessee, Mr. BEVILL, Mr. SPENCE, Mrs. BOGGS, Mr. DWYER of New Jersey, Mr. WILSON, Ms. MIKULSKI, Mr. BORSKI, Mr. LEHMAN of California, Mr. WISE, Mr. MINETA, Mr. BETHUNE, Mr. DAVIS, and Mr. STRATTON.

H.R. 1015: Mr. ROE, Mr. DONNELLY, Mr. SMITH of New Jersey, Mr. FRANK, Mr. WHEAT, Mr. WON PAT, Mr. OBERSTAR, and Mr. MARKEY.

H.R. 1016: Mr. ROE, Mr. DONNELLY, Mr. SMITH of New Jersey, Mr. FRANK, Mr. WON PAT, Mr. OBERSTAR, and Mr. MARKEY.

H.R. 1078: Mr. KOGOVSEK, Mr. BERMAN, Mrs. SCHNEIDER, Mr. MAVROULES, and Mr. ROYAL.

H.R. 1142: Mr. CORCORAN.

H.R. 1176: Mr. SCHULZE, Mr. FOWLER, Mr. HYDE, Mr. BEVILL, Mr. VOLKMER, Mr. BONER of Tennessee, Mr. KOGOVSEK, Mr. HAMMERSCHMIDT, Mr. MOLLOHAN, Mr. WOLFE, Mr. QUILLAN, Mr. D'AMOURS, Mr. SMITH of Florida, Mr. FRANK, Mr. MARKEY, Mr. EMERSON, Mrs. BOUQUARD, Mr. WEAVER, Mrs. SNOWE, Mr. WILSON, Mr. FRANKLIN, Mr. HALL of Ohio, Mr. GEJDESON, Mr. FAZIO, Mr. CONTE, Ms. KAPTUR, Mr. OWENS, Mr. FORD of Michigan, Mr. LOWRY of Washington, Mr. TAYLOR, Mr. SABO, Mr. FROST, Mr. GARCIA, Mr. YOUNG of Missouri, Mr. YOUNG of Alaska, Mr. SENSENBRENNER, Mr. PATMAN, Mr. BARNES, Mr. YATRON, Mr. COLEMAN of Missouri, Mr. FOGLIETTA, Mr. HATCHER, Mr. TALLON, Mr. RATCHFORD, Mr. BILLEY, Mr. OBERSTAR, Mr. SCHUMER, Mr. WILLIAMS of Montana, Mr. HARRISON, Mr. WHEAT, Mr. WHITEHURST, Mrs. COLLINS, Mrs. MARTIN of Illinois, Mr. SAWYER, Mr. TRAXLER, Mr. BROWN of California, Mr. PATTERSON, Mr. WATKINS, Mr. MITCHELL, Mr. CROCKETT, Mr. SLATTERY, Mr. DOWDY of Mississippi, Mr. WYDEN, Mr. ALBOSTA, Mr. ROBERT F. SMITH, Mr. SKELTON, Mr. PASHAYAN, Mr. MORRISON of Connecticut, Mr. ST GERMAIN, Mr. EDWARDS of Alabama.

H.R. 1181: Mr. SMITH of Florida, Mr. FOGLIETTA, and Mr. GILMAN.

H.R. 1234: Mr. FORD of Michigan, Mr. ECKART, Mr. ALEXANDER, Mr. KILDEE, Mr. TRAXLER, Mr. ASPIN, and Ms. KAPTUR.

H.J. Res. 22: Mr. YATRON, Mr. WYLIE, Mrs. BOUQUARD, Mr. SOLARZ, Mr. RITTER, Mr. WILSON, Mr. SPRATT, Mr. EARLY, Mr. WHEAT, Mrs. BOXER, Mr. LEVINE of California, Mr. HANSEN of Idaho, Mr. WISE, Mr. MOODY, Mr. ANDREWS of Texas, Mr. WALKER, Mr. McCURDY, Mr. FOLEY, Mr. McEWEN, Mr. CROCKETT, Mr. MOLLOHAN, Mr. MARTINEZ, and Mr. KEMP.

H.J. Res. 86: Mr. BURTON of California.

H.J. Res. 95: Mr. WINN, Mr. MOLINARI, Mr. MOORHEAD, Mr. MORRISON of Washington, Mr. HARRISON, Mr. NATCHER, Mr. McNULTY, and Mr. OBERSTAR.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

21. The SPEAKER presented a petition of GCUS, Improved Order of Red Men, Waco, Tex., relative to prayer in public schools; which was referred to the Committee on the Judiciary.



## EXTENSIONS OF REMARKS

THE CIVIL SERVICE  
BUREAUCRACY

## HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mrs. SCHROEDER. Mr. Speaker, at this time of \$200 billion deficits, we must find a way to get the Government to provide more and better services for a lower cost. I have introduced legislation to increase the productivity of the Federal Government through more worker participation, a better rewards system, and better investment. The following article, written by Paul Taylor of the Washington Post investigates the issue of productivity:

REAGAN TEAM'S IRRESISTIBLE FORCE LANDS  
ATOP IMMOVABLE OBJECT—FRICTIONS CREST  
IN CIVIL SERVICE IN REAGAN ERA

"I do not rule Russia, ten thousand clerks do."—Czar Nicholas I

(By Paul Taylor)

By the time the pink slip finally arrived, it was anticlimactic.

Dr. Maxine Savitz, the government's top civil servant in energy conservation, had spent two years working as deputy to a man who'd come to Washington to get the government out of energy conservation.

They agreed about almost nothing. And when Joseph Tribble, assistant secretary for Energy, finally sacked her a week ago, they didn't agree about that, either.

He thought it was for her refusal to accept reassignment to a faraway outpost with diminished responsibility. She thought it was for having done her old job too well. The firing, with charge and countercharge, is under review for possible violations of Civil Service laws.

It is also the tip of an iceberg. Dismissals of top-level career civil servants are still a rarity in the federal government, but the frictions that underlie them are very much on the increase.

The Reagan administration has moved more aggressively, more systematically and more successfully than any in modern times to assert its policy control over the top levels of its bureaucracy.

It has taken the relationship between short-term political appointees and long-term career civil servants—an age-old kabuki dance between change and continuity, responsiveness and resistance, political control and bureaucratic power—and sharply altered the balance of power toward the political side.

With personnel actions sometimes subtle and sometimes overt, it has put out a message that it expects ideological loyalty at the high levels of career service. Absent that, silence will do. Some examples:

When Interior Secretary James G. Watt fired—the bureaucratic euphemism is Reduction in Force, or RIF—28 lawyers from a legal staff he considered hostile to development of natural resources, he said it was for

budgetary reasons. A few weeks later, however, the department found six openings in the legal office.

One of the RIFed attorneys, Derb S. Carter, reapplied for his old job and was questioned about his political background—a no-no according to Civil Service rules. Carter didn't have the right answers, nor did he get the job.

The moribund Department of Energy RIFed 19 top bureaucrats last year. Normally, they would have been protected by seniority, but they were fired because they had been given low performance ratings. They contended that the ratings were arbitrary, designed to force them out because they or their programs were not in favor. The matter is under review by the Office of Personnel Management.

Dr. Peter F. Infante, a GS-15 who headed the Occupational Safety and Health Administration's Office of Carcinogen Classification, was almost fired for writing a letter in 1981.

It disputed a finding by a panel of the International Agency for Research on Cancer that there was insufficient evidence to call formaldehyde a carcinogen, or cancer-causing agent.

The letter found its way into the hands of the industry-backed Formaldehyde Institute, which in turn wrote an angry missive to an aide to OSHA's new, pro-industry administrator, Thorne G. Auchter.

"How do you control members of the bureaucracy who seem to be operating freely within and without government?" it asked.

The initial response to OSHA was to order Infante's firing, but Auchter backed off when a House science subcommittee got wind of the episode and conducted a hearing.

Dr. Adrian Gross, a government pathologist for 18 years, was transferred last May from his job as chief of the toxicology branch of the Environmental Protection Agency's Hazard Evaluation Division to be senior science adviser there. From there he was transferred to a small field branch that monitors laboratory performance.

The second transfer came after Gross wrote a memo to his supervisors accusing them of improperly aiding two chemical companies in their efforts to register permethrin, an insecticide Gross said is a carcinogen.

The four-year-old office of special counsel of the Merit System Protection Board—the government's prosecutor of cases of merit system abuse—has had a short, unhappy history of high turnover, low morale and little watchdogging.

For a year it was in the hands of Alex Kozinski, a loyal Reaganaut. In his brief tenure he conducted seminars for federal managers called "How to Avoid Committing Prohibited Personnel Practices in the Reagan Administration," a guide to getting rid of problem employees and getting away with it. To infuriated employee unions this was the fox in a chicken coop, with a vengeance.

It is purely a matter of perspective whether the inevitable chilling effect these moves have on the bureaucracy is a good thing.

Bernard Rosen, a former director of the U.S. Civil Service Commission, said he believes it has taken its toll on sound policy management.

"No private enterprise could be successful if its three or four top levels left every two years," he said. "But that's the way we do it in government, and it puts an enormous premium on stability and expertise immediately below."

The other view is that bureaucratic power has grown out of proper bounds over time and needs curbing. That power, at its root, derives from information: how it is developed, dispensed, withheld.

As society has grown more complex and information has grown ever more the province of experts, the arguments goes, bureaucrats have come to be less responsive and more powerful.

That view tends to be associated with conservative scholars, who see an inherent liberal, or at least inherent pro-government, bias in bureaucracies. But it is not limited to one side of the fence.

Harry S. Truman, anticipating the transition to Dwight D. Eisenhower, said, "He'll sit right here and he'll say, 'Do this, do that,' and nothing will happen. Poor Ike. It won't be like the Army. He'll find it very frustrating."

John F. Kennedy contributed his own brand of irony to the exasperation that elected officials of all stripes have always harbored toward the bureaucracies they can never seem to master fully.

"I agree with you," he once told a caller to the White House, "but I don't know if the government will."

While scholars and political scientists debate the proper role of the bureaucracy, no one disputes that the Reagan administration has changed it.

It shows more zeal in taking on the Civil Service than has any administration since the shortened second term of the Nixon administration, and it has more tools—legal, ideological and budgetary—than the Nixon administration did.

The legal tool is the Civil Service Reform Act of 1978, which stripped top-level careerists of the most fundamental job protection of all—the right to keep one's particular job, so long as the job needs doing, funds are available and the performance has been satisfactory.

Had the Tribble-Savitz unpleasantness occurred in 1977 instead of now, Tribble could not have forced Savitz to take a new job down the corridor, much less halfway across the country.

He could, of course, have shut her off from any policy input, redeployed her staff, reorganized her department into oblivion or used any of the other management gambits that have been developed over the years.

The irony is that the Reagan administration has used the personnel flexibility promulgated by the Carter administration to carry out policies very different from President Carter's.

Ideologically, the Reagan administration has been able to attract to government service appointees who for the most part don't think government works. This puts them in

obvious and sharp conflict with careerists, who, whatever their political beliefs, are committed to the idea that government *does* work.

The political appointees, moreover, have brought a missionary zeal to their task, figuring that they have 50 years of history to reverse and just 22 months apiece, the average tenure of a presidential appointee, to reverse it.

On the other hand, the bureaucrats have nothing if not time and patience. Storms, they know, are for riding out.

The deep budget cuts and dramatic shifts in spending priorities have shaken more departments more deeply than at any time in recent history. Shakeups always give political appointees more chances to leave calling cards.

How has the bureaucracy withstood the attack?

Obviously, those career civil servants who cannot abide the policy changes have left. For those who stay and feel "out of sync" with the new administration, by far the most common response has been to hunker down.

"You realize pretty quickly they're not too interested in what you have to say, so you just don't speak up," says one mid-level careerist at the Voice of America.

That is the prevailing professional ethic of most top bureaucrats: remain neutral on policy and wait to be led.

For those who feel more entrepreneurial and proprietary about policies and programs and who feel victimized by the new regime, the government's personnel watchdog mechanism has not offered much support. In its four-year history, the Merit Systems Protection Board had not upheld a single case of a top-level careerist charging he was the victim of a punitive job action.

But there are other bulwarks of protection.

"We find that it is far more effective to go to the Hill or go to the press and scream," says David Vladek, an attorney with the Public Citizens Litigation Group, which has defended several prominent scientists against attempts by administration officials to remove or reassign them.

The congressional tie is obvious. A careerist, often far better than a political in-and-outer, can develop an ongoing relationship with sympathetic members of Congress and staffers. Since the loyal opposition will always be represented on the Hill, the opportunities for leverage are clear.

The press role is more ambivalent, and in some ways reflects society's basic ambivalence toward the bureaucracy.

Former Office of Personnel Management director Alan K. Campbell says: "I have noticed that in all the stories I've read about an individual civil servant being transferred or fired for allegedly political reasons, the sympathy is with the bureaucrat. But in every story about a Cabinet member or high-level appointee claiming he can't get something done because of 'those damn bureaucrats' the sympathy is the other way."

Why are we torn? A quick history lesson is in order.

The merit system of today is the product of a runaway political patronage system of the 19th century, ushered in on a grand scale by President Andrew Jackson, a frontier populist who said he believed that trained bureaucrats in Washington constituted a dangerous elite.

The spoils system flourished for years, with excess building on excess until it top-

pled. It became a tawdry spectacle of scandal, of ghost workers, of federal jobs sought and bartered.

In the January after each presidential election, Washington was transformed into an unruly employment shop, with hordes of job seekers lining up outside the White House.

"I love to deal with doctrines and events, but my day is frittered away with the personal seeking of people," President James Garfield mused early in his term.

The frittering did not last as long as he might have wished. Four months after he assumed office Garfield was assassinated by a disappointed job seeker named Charles Guiteau, who had been visiting the White House daily to press his claim for the consulship in Paris.

The assassination provided impetus for the passage of the law that created the Civil Service System—100 years ago Sunday.

Initially it placed about 10 percent of the federal work force under strict merit rules for hiring and firing. Since then, the percentage of jobs covered by merit has grown steadily. Today, in a government of more than 2 million, a president has the power to hire and fire just a few thousand top appointees.

The merit system expanded in response to the national aversion to excesses of partisanship.

Its premise was that elected officials ought to make policy and career professionals ought to carry it out.

But as the line between making policy and executing it has blurred, the feeling has taken root that anonymous and unaccountable bureaucrats have emerged with too big a slice of the power.

Politicians of all ideologies have been adept at advancing this. But many close observers of the government's inner workings come away with a somewhat different verdict: that the bureaucracy, by and large, respects the limits of its authority, when it appears politically unresponsive, it often because its political leadership does not understand how to lead.

"The degree of loyalty and responsiveness of career employees is in most cases directly related to the quality of leadership they receive. . . . Careerists want direction and are willing to follow, but they must be led by someone who inspires confidence and respect."

The unlikely author is Frederic V. Malek, a corporate executive and former Nixon White House official whose name is attached to the infamous Malek Manual of the Watergate era, which outlined ways to subvert the Civil Service System to achieve policy control over the government. Malek says he never wrote the manual.

All of this leads back to Tribble, the political appointee, and Savitz, the careerist. Their troubles began a year ago when Tribble, a paper company executive new to Washington, was preparing to go to Congress with his first budget request.

He wanted to slash programs for energy conservation research dramatically. Savitz warned him of land mines ahead; if he tried to cut too much too fast, she said, he would get buried on the Hill.

Tribble tried; Congress buried. It wound up financing the energy conservation programs Savitz runs at 10 times the level her boss had proposed.

"He blames me instead of recognizing the fact that many people in Congress and the private sector think there is a proper role

for the federal government in conservation," she says.

"We were incompatible," he says.

The relationship came unglued. Within months of the budget debacle, he asked her to take a job in Golden, Colo. The office of special counsel of the MSPB is investigating whether Tribble concocted the job and offered it to Savitz knowing she would refuse. ●

## BANKS SHOULD STOP FIGHT AGAINST TAX WITHHOLDING

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. STARK. Mr. Speaker, in recent weeks, congressional offices have been flooded with preprinted postcards from constituents, urging repeal of the provision in last summer's tax bill providing for withholding on interest and dividends. This lobbying campaign has been inspired by a variety of banks, S&L's, and credit unions.

It is clear from the postcards that the banks are not telling the truth to their customers. They ignore the many exemptions to this provision: The over-age-65 exemption, the lower-income exemption, and the small-savers exemptions.

Certain independent truckers are using rocks and rifles to obtain repeal of truck taxes. While we all condemn this violence, how can we ignore the violence done when a banker in a three-piece suit scares an elderly person into worrying about their interest income. The lies being told by these "sophisticated bankers" are reprehensible.

People should really be sending in postcards complaining about how and why the Congress has let highly profitable banks with hundreds of millions of dollars in profits pay zero or only 1 or 2 percent in corporate taxes to the Government which insures and protects them.

Following is an excellent article from this morning's Washington Post on why banks should stop the fight against tax withholding.

The article follows:

BANKS PLAY VICTIM ON INTEREST TAXES

(By Jerry Knight)

Banks and savings and loans have been offering their depositors an expanding range of financial services recently and now they're lobbying Congress for a measure to make it easier for customers to cheat on their income taxes.

Of course the embarrassing phrase "income tax evasion" never appears in the fliers from bank and savings and loan lobbyists that are barraging depositors and Capitol Hill.

The financial institutions say they merely want their customers to "help repeal a bad law"—the one that will require banks to



withhold 10 percent of interest paid on most accounts starting July 1.

"Warning! 10 percent of the money you earn in interest is going to DISAPPEAR," screamed one photocopied letter that arrived in last week's mail.

Even by the standards of political propaganda, this is an outrageously misleading statement. Nobody's taxes will be raised by the withholding of interest income. The tax rate itself doesn't increase, nor does the amount of interest income subject to taxation.

Under the interest withholding law, taxes on interest income will be deducted automatically in the same way that taxes on salaries are deducted from your paycheck.

The only depositors whose money is going to "disappear" are folks who've been cheating on their income taxes.

That's a lot of people. Estimates are that 15 percent of taxable interest goes unreported. One out of every \$8 in taxable interest income already "disappears" before the tax collectors can find it.

Income tax evasion used to be something akin to a mortal sin, if not obscene then at least unpatriotic.

Now, apparently, tax cheating has become socially acceptable, close enough to running a yellow light that banks can subtly tell customers that part of their interest income will "disappear" if taxes are withheld from it.

Assuming that the interest income tax that is withheld is interest income tax that otherwise wouldn't be due, the financial institutions have concocted an elaborate series of phony arguments against withholding interest income. Listen to this one from the U.S. League of Savings Institutions:

Withholding interest "will erode the nation's store of investment capital" and "send shock waves through the investment community." League Chairman Leonard Shane claims in a speech he's scheduled to give today at a convention in Miami Beach.

He says the tax withheld on a \$10,000 savings certificate earning 12 percent a year, credited monthly, would be \$126.76 the first year, \$141.23 the second year, and \$157.34 the third year, for a total of \$425.33. "It wouldn't be long before the account shrank by more than \$1,000," argues Shane.

If I were basking in Miami Beach today with Mr. Shane on his tax-deductible business trip, I'd ask him how much income tax would be due on the account in three years if the tax were not withheld? Would you believe \$425.33?

Shane claims taxpayers "are scrupulously careful about paying all taxes due on interest and dividend income." That's not what you'll hear from Sen. Robert Dole (R-Kan.), one of the most adamant backers of withholding interest income.

Dole is not exactly a Robin Hood, rob-the-rich type when it comes to taxes. He's a leader of the campaign to reduce the holding period on capital gains from a year to six months to encourage savings and investment.

Sponsors of the withholding measure contend that a huge amount of taxes goes uncollected because investors don't report their interest income. They estimate the government will pick up \$10.5 billion in additional revenues in the next three years and \$25 billion by 1988.

Besides the tax cheats who are pocketing that \$25 billion—and forcing the rest of us to pay their share of running the government—the real losers from interest income withholding will be the banks. Which may

explain why they are so concerned that their depositors' money is going to "disappear."

No question about it, the banks are going to have to pay the cost of collecting that interest tax for Uncle Sam. To compensate the financial institutions, the government is going to let them keep the money they withhold for 30 days before they turn it over to the IRS. The banks will get a month's free use of the tax money.

That's not enough, according to a study done for the banks by Peat, Marwick, Mitchell & Co. The Peat, Marwick report, which is being used by the financial industry in its lobbying campaign, contends the cost of withholding interest income will be 10 to 100 times as much the banks will earn from the 30-day float.

It's difficult to argue with the banks' bookkeeper's estimates, but on the face of it, the Peat, Marwick numbers seem a little steep. The claim of 100 times one month's interest that's being bandied about by the bankers is equivalent to more than eight years' float.

Whatever the cost, the banks and savings associations aren't the only businesses that help the government collect taxes.

Retailers collect sales taxes, and many of them have to invest in fancy cash registers that can be programmed to distinguish between taxable and nontaxable items. Oil companies collect gas taxes for both the state and federal governments. New car dealers collect license plate fees. Real estate agents collect transfer taxes. Distillers and tobacco companies stamp every pack and bottle to prove the appropriate taxes have been paid.

Every employer in the nation has been withholding income taxes from workers' checks since 1942. In 40 years, it's doubtful that many companies—let alone banks—ever went broke because of the onerous cost of handling employee withholding.

Whether they like to do it or not, all kinds of businesses help make tax collection relatively painless and surprisingly efficient. That's why the United States has one of the most respected, best-observed tax systems in the world. There's no reason why the banks and savings institutions shouldn't do their part instead of lobbying to make tax evasion easier. ●

## CONSUMERS NEED AUTO CRASH TEST RESULTS

HON. ANTHONY C. BEILENSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. BEILENSEN. Mr. Speaker, today I am introducing a bill which would provide automobile crash safety information to consumers shopping for new cars. My bill would require auto manufacturers to post crash test results on a window sticker on each new car. Consumers would then have information about crashworthiness, in addition to fuel economy and list price, as they examine new car models in their dealers' showrooms. I think this will encourage auto manufacturers to compete for safer designs while continuing to achieve improvements in fuel economy.

Consumer surveys done for the National Highway Traffic Safety Administration (NHTSA) have shown that, although there is a definite trend toward smaller, lighter cars because of their better fuel economy, consumers are aware of the greater risk of serious injury or death that small-car riders may suffer in an accident. These surveys also show that car purchasers want data on the comparative safety of various models and would be willing to pay a higher purchase price for a safer car. The widespread interest in the Government's comparative crash test results, and the very strong consumer demand for "the Car Book"—originally published by NHTSA—which contains a comparative listing of the results, are evidence that consumers want and need this information.

However, currently most consumers do not have comparative crashworthiness data available to them at the time they are deciding which car to buy. Clearly, the best way to call attention to the test results would be to post the information on a window sticker on each new car, in the same way that fuel economy and list price information are now posted. The stickers would mention that booklets listing comparative ratings for all car models are available free from any new car dealer.

Under this bill, each new car manufacturer would test its own cars under criteria established by NHTSA and certify the numerical crash rating to NHTSA. Manufacturers would be free to improve the safety of their cars beyond the minimum standards already established by NHTSA, and consumers would be free to make their own informed decisions about how much crash safety and fuel economy they want to pay for. This free market approach would give manufacturers the incentive to compete for sales to safety-conscious consumers.

There is evidence that, when manufacturers are faced with a poor crash test score, they can sometimes make a simple and inexpensive change resulting in a significant improvement in safety. For example, the Honda Civic, which failed the 1980 test, easily passed in 1981 after several relatively simple changes were made.

I am convinced that this bill will help the operation of the competitive free market. Consumers need information to make informed choices, and manufacturers need the incentive to produce safer cars. I suspect that when the automakers begin to compete for safer designs, we will see far more progress than Government regulations could ever produce. ●

JOHN L. WATTS

**HON. PHILLIP BURTON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

• Mr. BURTON of California. Mr. Speaker, on Friday evening, February 11, the labor movement of the San Francisco Bay Area will honor John L. Watts on the occasion of his retirement as executive officer of the Bay Counties District Council of Carpenters. John Watts has held this position for the past 12 years.

John Watts has an impressive record of service to the labor movement, the Nation, and to his community.

He graduated from Burlingame High School in 1930 and as captain of the football team received an athletic scholarship to Oregon State University. He graduated from the university in 1936 on the dean's list of honors and received his Reserve commission in the U.S. Army as a second lieutenant.

When the war broke out in 1941, John enlisted in the Marine Corps as a private. He attended officer candidate school and was commissioned a second lieutenant. He served in the Pacific, rose to the rank of major and in 1946, returned to civilian life.

He joined Carpenters Local Union No. 162 in San Mateo, Calif., and was active in the construction industry until his recall to active duty in 1953.

From 1958 to 1964, he served as first city manager of Belmont, Calif. In 1964, he became Carpenters Apprentice Coordinator in San Mateo and San Francisco. In 1967, he was chosen to serve as assistant to the executive secretary of the Bay District Council of Carpenters, a position he held until his election as executive secretary in 1970.

In 1980, John was elected president and chairman of the board of the International Foundation of Employee Benefit Plans. This elected position was a first for a member of the Carpenters Union.

John Watts' many friends pay him tribute on February 11 and I wanted to share with my colleagues the many accomplishments of this truly extraordinary labor and civic leader. ●

**A BILL TO SQUARE BAD DEBTS****HON. RON WYDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

• Mr. WYDEN. Mr. Speaker, I am today introducing the Maritime Services Financial Responsibility Act of 1983. Joining me as original sponsors of this legislation are my colleagues Ms. MIKULSKI, Mr. HUGHES, Mr.

WHITEHURST, Mrs. BOGGS, Mr. LIVINGSTON, Mr. LOWRY of Washington, and Mr. SUNIA.

This bill is similar to legislation I introduced in the 97th Congress to enable maritime service industries, many of them family-owned operations, to collect bad debts.

This bill is needed because many marine service industries are being left holding the bag by foreign-owned steamship lines that do not pay their bills—and are beyond the reach of U.S. law.

Before 1976, these firms, which include stevedores, marine terminal operators, port authorities, freight forwarding agents, drayage firms, and harbor pilots, had recourse when foreign steamship owners failed to pay their bills. They could file suit and U.S. marshals would "plaster" a ship with a notice of arrest and a warning not to leave port until the debt had been cleared up.

But with passage in 1976 of the Foreign Sovereign Immunities Act, suits against vessels owned or operated by a foreign government were prohibited, so now these small maritime industries are simply stuck with unpaid bills.

The National Association of Stevedores, which again strongly supports this legislation, recently surveyed its members and learned that the average unpaid debt per stevedoring firm is \$370,000. One firm logged a loss exceeding \$1 million. These are staggering amounts for any business, but especially for a small business. These losses wipe out already-thin profit margins and create pressures on companies to raise prices.

In order to solve this problem, the Maritime Services Financial Responsibility Act will require owners of vessels engaged in foreign commerce using U.S. ports to establish and maintain financial responsibility for their debts.

Here is what the bill will do:

Owners of vessels must prove financial responsibility through insurance, surety bonds or some equivalent kind of evidence.

Failure to comply with this provision subjects a ship owner to a fine of not more than \$10,000. Enforcement will be through the port clearance administered by the U.S. Customs Service and the power of the U.S. Coast Guard to deny entry.

This bill will not create any new and unnecessary deluge of paperwork for private industry. It is patterned after an existing statute requiring antipollution bonds.

The 1983 act includes the following three relatively minor changes designed to make compliance, administration, and enforcement easier, more flexible and less burdensome for all affected carriers:

Language added at the suggestion of the marine insurance industry designed to make it easier for the industry to underwrite this risk.

Authority to administer the Act has been shifted from the Federal Maritime Commis-

sion to the Department of Transportation. This is in conjunction with the move toward centralizing all transportation policy functions in a single agency.

The requirement that vessels obtain "certification" of financial responsibility has been changed to only require "documentation acceptable to the Secretary of Transportation." This will hopefully eliminate the need for a new set of federal forms and give the Secretary of Transportation a wide degree of latitude and flexibility in enforcing the Act in a way that will not force financially responsible carriers to grapple with unnecessary, expensive and time-consuming new paperwork requirements.

It is regrettable that legislation such as this is necessary at all. But the string of unpaid bills from Portland to Galveston and from New York to Long Beach, says that it is.

A full text of the Maritime Services Financial Responsibility Act follows:

**H.R. 1307**

A bill to require owners of vessels engaged in foreign commerce using United States ports to establish and maintain financial responsibility for claims arising from the furnishing of maritime services to those vessels, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Maritime Services Financial Responsibility Act of 1983".*

SEC. 2. (a) The owner of each vessel engaging in foreign commerce and using any port or place in the United States, or the navigable waters of the United States, for any purpose shall establish and maintain, under regulations to be prescribed by the Secretary of Transportation (hereinafter in this Act referred to as the "Secretary"), evidence of financial responsibility to meet all claims made in connection with the rendering to that vessel, at ports or places in the United States, of maritime services with respect to loading, unloading, berthing, wharfage, pilotage, repairing, cleaning, supplying of stores or launch hire, husbanding, and related activities.

(b) The financial responsibility required under subsection (a)—

(1) shall be in an amount equal to \$100 per gross ton of the vessel concerned, or \$1 million, whichever sum is less; and

(2) may be established by—

(A) an insurance policy,

(B) a surety bond,

(C) qualification as a self-insurer, or

(D) other evidence of financial responsibility,

or any combination of the foregoing, acceptable to the Secretary.

(c) The Secretary may not accept a bond filed for purposes of subsection (b) unless the bond is issued by a bonding company authorized to do business in a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any territory or possession of the United States.

SEC. 3. In any case where jurisdiction over a vessel cannot be obtained under United States law, a claim for maritime services described in section 2(a) that were provided to the vessel may be brought directly against the insurer or the other entity or person providing the evidence of financial responsibility required under this Act. In defending against such a claim, the insurer, entity, or



other person may invoke all rights and defenses that would have been available to the vessel owner if an action had been brought against him by the claimant or that would have been available to the person providing financial responsibility if an action had been brought against that person by the vessel owner.

Sec. 4. Each owner of a vessel subject to this Act who fails to comply with this Act, or any regulation issued thereunder, shall be subject to a fine of not more than \$10,000.

Sec. 5. (a) The Secretary of the Treasury shall refuse the clearance required by section 1197 of the Revised Statutes of the United States (46 U.S.C. 91) to any vessel subject to this Act that upon request does not have documentation acceptable to the Secretary indicating that the financial responsibility requirements of this Act have been complied with.

(b) The Secretary of the department in which the Coast Guard is operating may—

(1) deny entry to any port or place in the United States to, or

(2) detain at the port or place in the United States from which it is about to depart for any other port or place,

any vessel subject to this Act that upon request does not have documentation acceptable to the Secretary indicating that the financial responsibility requirements of this Act have been complied with.●

#### THE 35TH ANNIVERSARY OF SRI LANKA'S INDEPENDENCE

**HON. CLEMENT J. ZABLOCKI**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. ZABLOCKI. Mr. Speaker, February 4, 1983, marked the 35th anniversary of Sri Lanka's independence. Like our own Fourth of July, this day is particularly significant for the people of Sri Lanka. It honors the endurance of a free and democratic system of government and commemorates the progress achieved in improving the quality of life for the Sri Lankan people.

As my colleagues who have visited Sri Lanka can attest, Sri Lankan independence and democracy are firmly established. Sri Lanka and the United States maintain deep mutual respect. We share many common goals and cooperate in many ways. Although Sri Lanka is a leading member of the non-aligned movement, Sri Lanka and the United States maintain common positions on many important international issues.

Sri Lankans are firmly committed to democracy. National and local elections are held at regular intervals. The election of President Jayewardene last October marked the inauguration of a system of direct elections for president. I congratulate President Jayewardene, who was sworn in on Friday, on his transition from Prime Minister to President.

Finally, we should observe the tremendous efforts undertaken in Sri

Lanka to extend social and economic benefits. High literacy and extensive health care delivery in Sri Lanka have attracted international respect for some time. Moreover, economic and social policies continue to be designed and promoted to increase incomes and provide other assistance that will improve the lives of the most disadvantaged citizens of Sri Lanka. As a strong supporter of economic development that serves basic human needs and aims directly at problems of the poorest people in the poorest countries, I am impressed with many of the economic projects underway in Sri Lanka. The United States can take appropriate credit for its economic assistance to Sri Lanka that complements Sri Lanka's efforts, such as expanding rural irrigation and bringing into cultivation new land to provide new opportunities for the rural poor.

Mr. Speaker, I welcome this opportunity to acknowledge the accomplishments of the Sri Lankan people and wish them success as they proceed with their national endeavors.●

#### SUPPORT OF H.R. 1197, A BILL TO EXTEND THE RESTRICTIONS ON ALASKAN NORTH SLOPE CRUDE OIL

**HON. ROBERT G. TORRICELLI**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. TORRICELLI. Mr. Speaker, I am very pleased to cosponsor legislation introduced by my distinguished colleagues, Mr. McKINNEY and Mr. WOLFE, to extend the restrictions on the export of Alaskan North Slope crude oil. I believe this legislation, H.R. 1197, is one of the most important consumer-protection issues to be considered by the 98th Congress.

The existing restrictions are contained in section 7(d) of Public Law 96-72, the Export Administration Act Amendments of 1979. These restrictions do not prohibit the export of Alaskan oil. On the contrary, they provide a mechanism for allowing such exports if certain findings are made by the President and approved by the Congress.

Under the law to be extended by H.R. 1197, exports may take place if the President determines that the export (a) will not diminish the total quantity or quality of oil refined, stored, or legally committed to be transported and sold within the United States; (b) will result in lower crude oil acquisition costs to American refiners who in turn must pass on at least 75 percent of their cost savings in the wholesale and retail prices of their

petroleum prices; (c) will be made pursuant to a contract which may be terminated if the crude oil supplies of the United States are interrupted, threatened, or diminished; and (d) is clearly necessary to protect the national interest.

In addition, the law requires the President to report such findings to the Congress. In order for the export or exchange to take place, Congress must adopt a concurrent resolution approving the export or exchange proposal within 60 days of receiving the President's findings.

Clearly, Mr. Speaker, American workers and American consumers have paid a high price since the energy supply disruptions of the early 1970's. Since that time I believe we all should have learned that unless we have an energy policy which truly serves the national interest, we will leave ourselves vulnerable to future oil embargoes and oil price rises which will further cripple the American economy. The availability of petroleum and petroleum products at reasonable prices is too important to American industry, American workers, American consumers, and America's energy self-sufficiency for the Congress to eliminate the only real safeguards presently contained in the law.

These restrictions guarantee that any export of Alaskan oil would result in lower crude oil acquisition costs to American refiners and lower wholesale and retail prices to American consumers. It guarantees that any export plan submitted to the Congress by the President must demonstrate that there will be in fact a consumer benefit.

The restrictions guarantee, through the two-House approval requirement, an affirmative congressional role in the decisionmaking process regarding the disposition of Alaskan oil. This in turn better guarantees the American people that the national interest, rather than any one parochial interest, will be served by an export of Alaskan oil.

Failing to extend the restrictions contained in section 7(d) of Public Law 96-72 will leave the American people totally unprotected. We must accept our responsibility and obligation to the American people and retain the final say over any overseas sale of this vitally important domestic energy resource. The Congress—the duly elected representatives of the people—and not those who have a vested profit motive interest in the sale of energy supplies to foreign consumers, must decide whether the national interest is being served.

I urge all my colleagues to join as cosponsors to H.R. 1197.●

THE SIERRA CLUB, INDUSTRY,  
AND THE CLEAN AIR ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. WAXMAN. Mr. Speaker, for 2 years now, no environmental issue has received greater attention than the reauthorization of the Clean Air Act. Major interests are involved; there are more than just two "sides," and the issues are extraordinarily complex and interrelated. At times, it has doubtless appeared that we are inevitably and irretrievably locked into a state of confrontation and stalemate. People on all sides of the issues involved have sometimes appeared to be involved in open warfare.

Against that background, it was refreshing to me to read the text of an informal speech about the Clean Air Act by the president of the Sierra Club. Not only was what he had to say refreshing and encouraging, but I was pleased to see the audience to whom he spoke: The Environmental Industry Council.

Denny Shaffer, who serves as the elected volunteer president of the Sierra Club, is himself a successful small businessman from Fayetteville, N.C. In his remarks to the Environmental Industry Council, meeting here in Washington this week, Mr. Shaffer addressed himself to the problem of the apparent stalemate over the Clean Air Act. I believe that Mr. Shaffer's comments will be helpful to my colleagues in illuminating the point of view of one of the major players in the continuing issue of the Clean Air Act, so I am pleased to include the full text of his prepared remarks at this point in the RECORD.

The text follows:

STATEMENT OF DENNY SHAFFER

I want to thank the Environmental Industry Council for inviting me to be here with you today.

One of my highest priorities as President of the Sierra Club is to talk with industry groups whenever I can. I believe the dialogue . . . and that's what I'm here for today, to hear you as well as to talk to you . . . is vital.

I'm not sure I would go along with Will Rogers' comment that he never met a man he didn't like, but I do know it's a lot easier to dislike someone you don't know.

These exchanges remind us that we're all very similar, though we may differ on some ideas. I remember how great a discovery it was for me when I realized that if I wanted folks to accept me with all my ideas and thoughts they might see as strange, there was an implied "must" there. I must be willing to accept them . . . even as we disagree.

It's one of the tragedies in our nation today that the Reagan Administration doesn't understand that.

So you hear the Secretary of Interior saying, "I've never been criticized by anyone I really respect," and you hear charges leveled at those who do disagree with him . . .

charges clearly showing his being out of touch with reality . . . the reality that comes from dialogue.

When Toby Anthony invited me here today to speak with you, he suggested that I might "tick off provisions in the Act where environmentalists and industry can agree." He asked if there "is ground for establishing consensus with industry groups, or must we witness continuing confrontation?"

That is a good question.

I read in the paper the reasons for the confrontation.

I read that environmentalists can't agree with business leaders because those businessmen don't care about anything but profits. They're indifferent to people and people's health. Well, I don't believe that, because I've been a businessman for over twenty-eight years. I know better.

I also read that businessmen can't agree with environmentalists because environmentalists don't care about anything but trees and birds. They have no concern for people, or jobs, or the economy. Or you even read statements that it's not environmental issues we're interested in, but a hidden agenda of somehow changing our form of government. Well, of course, I don't believe any of that. As President of the Sierra Club, the nation's largest and most powerful grassroots lobbying environmental organization, I know better.

So if what we read on the subject is wrong . . . and it seems to me it is . . . why can't we agree on the Clean Air Act?

If we are all reasonable people, why don't we get together and write the Clean Air Act here today?

Well, there are tactical reasons.

The first U.S. legislation to control air pollution passed in 1955, the original Clean Air Act in 1963. It was amended in 1965 and 1966. Then came the Air Quality Act of 1967, the Clean Air Act Amendments of 1970 and 1977 and that's where we are.

We have a strong Clean Air Act. The people of this country have said over and over again that we need it. The Congress of the United States and several Presidents of the United States have responded, have agreed that we needed it. And it is now law.

Polls tell us that the people of this country want a Clean Air Act as strong or stronger than the one we have. I am sure you saw the results of the Harris Poll in the January 24, 1983 issue of Business Week.

Eighty-six percent of the people polled oppose any weakening of the law. Only 7 percent support a less stringent law. In just two years, public support for a stricter Clean Air Act has risen from 29 percent to 47 percent.

So the first response to the question of why we don't become "more reasonable" towards the request of those industries who wish to weaken the Clean Air Act is, why in the world should we?

The Congress of the United States has said we need this protection for people and for other life. Eighty-six percent of the people in this country today agree.

It is, you see, just not our move.

If the United States auto industry is in that 7 percent that wishes to weaken the Clean Air Act, they'd better make their case. If the base problem underlying the weakness of the United States automobile industry is the Clean Air Act . . . if that's why this American industry is in trouble . . . they'd better prove it.

I, like many Americans believe that air pollution control is not why foreign auto makers have taken a large share of the

American market. But I am no expert. Show me I'm wrong.

If the high cost of electricity is really caused by pollution control, the case hasn't been made. Again as a businessman, I would reflect on the massive amounts of capital electric utilities have invested in unneeded nuclear power plants . . . plants now canceled, and sitting there as monuments to poor business judgment. But maybe I'm wrong. The utilities shall make their case.

The Sierra Club is not about to say, okay, we'll accept a weaker law. We'll not say, "Let's show the 7 percent of the people in this country just how reasonable we are."

To do that would, in fact, not only be unreasonable; it would be a betrayal of ourselves and the 86 percent of the people in this country who share our position on the Clean Air Act.

You know, of course, we are willing to accept some changes.

We have suggested extending the schedule for submitting a complete plan for attaining the ozone standard from July 1982 to December, 1984. We have suggested some flexibility in the seven areas identified by the National Commission on Air Quality that may not be able to attain the ozone standards by 1987, and the one or two areas that may not be able to attain the carbon monoxide standard.

We have suggested, under some conditions, the extension of the deadline for areas with severe total suspended particulate problems.

We have proposed a list of changes that should be made to simplify the PSD program.

All of this, I believe, shows we are reasonable and flexible. But our opponents need to give a bit, too.

Two obvious problems that need to be addressed are acid rain and toxic air pollutants. The country really needs protection in those areas.

So while flexible on some adjustments, as I have listed, the Sierra Club is not going to give an inch on the basic right of all Americans to breathe clean, healthful air, and the need for a strong Clean Air Act to guarantee it.

But there are other reasons for those of us gathered here today to not be the self-appointed group that writes the Clean Air Act. Agreements on national policy cut in smoke-filled rooms never did get much respect. Those cut in "smoke-free rooms" deserve no more.

And we know why.

If all the parties to this issue were willing to have representatives sit in this room, or any other room, who would pick those participants?

For whom would we speak? Would anyone, other than perhaps ourselves, pay much attention to the deals we would cut?

In other words, would General Motors be willing to let Chrysler speak for them? More importantly to me, would all environmentalists say, "Okay, the President of the Sierra Club says he went in that room with industry leaders and says he compromised a deal for a Clean Air Act. So I'm sure it's fine. I'll not worry about it anymore."

No, sir, they would not and they should not.

I have not been chosen by the 86% of the people in this country to make public policy for them. They would not respect my actions and well they shouldn't. That would not be respectable.

A December, 1981 poll showed that the public named the Environmental Protection



Agency as the group or institution most trusted to make suggestions for changing the Clean Air Act. The second most trusted are the environmental organizations.

Three observations: (1) we're going to live up to that trust; (2) I would wonder if a more current survey might put us ahead of the Anne Gorsuch/Ronald Reagan EPA; and (3) for those who think we might have controlled that survey, it was run by the Chamber of Commerce of the United States.

So we work through the system of government we have.

Industry can, will, and should make its case. If some industries want the law weakened, tell people why. The American voter will hear you. The Congress is responsive.

The Sierra Club and all the environmental groups and health groups will make their case to those same Americans, the same Congress.

This need not be confrontation. It can, and must be our serving in our respective roles. A wise gentleman once observed that if there wasn't a Sierra Club, industry would have to invent one. Because we are needed to make the system work.

So we all make our case, and then public policy will be made where it should be made, in the public forum. Made with all the openness and public participation that our system permits.

It's been suggested that you should never watch sausage or laws being made. Well, let me tell you something from my own personal experience. I used to work in a meat packing plant when I was a high school and college student, and if I'm going to eat sausage I'd sure rather eat that which I've seen made. And if I'm to live under the laws. . . .

Well, it may be overly dramatic, but a lot of good people have died to protect that right.

Public policy must be made by those chosen by the American voter to make public policy. It must be made by those accountable to them.

So you see, Secretary Watt is wrong. I'm not trying to change our form of government (as an aside, I'm also not, nor have I been, a Nazi).

That's all part of the big life technique.

Perhaps it's old fashioned, my generation might call it corny and the Valley Girls' response might be, "Gag me with a spoon," but I really do love this country.

And I've done those things people do which express that love. I have been in the service, held elective office, I vote and I pay taxes . . . and I'll continue to do everything I can to protect the system of government that permits both you and me to influence the direction of public policy in an open, honorable, respectable way.

I want to assure you that, as President of the Sierra Club, I will spend my total energies, if necessary, as will many of our 336,561 members, to be sure that the voices of the 86 percent are heard in Washington. ●

#### FAIRNESS IN ERISA PROCEEDINGS

#### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. FRANK. Mr. Speaker, today, I am reintroducing legislation which seeks to amend the Employee Retirement and Income Security Act of 1974

(ERISA) to correct what I believe is an injustice in that law as it has been interpreted by the Federal courts. Under current readings of that law, a pension beneficiary who is denied benefits or whose benefits have been terminated, must prove in a court action that the plan administrator acted "arbitrarily and capriciously" in order to obtain those benefits. This is an almost impossible burden for many beneficiaries to meet.

Under current law a beneficiary who is denied benefits by error or inadvertence of the plan administrator, will be unable to have that decision overturned in court absent arbitrary or capricious conduct by the administrator. Simple mistake, negligence, or sloppiness will not do and this result is clearly unfair. If a beneficiary deserves benefits from his or her pension, they should be received. There is no just reason why that person should have to delve into the thoughts or decision-making processes of the plan administrator.

One example of the injustice of this provision has been brought to my attention by an attorney, Henry P. Sorett of Cambridge, Mass. Mr. Sorett practices extensively in ERISA law and in fact, brought this entire issue to my attention for which I am very grateful. A client of Mr. Sorett had his disability benefits terminated by a plan administrator who decided that his illness was no longer disabling. Tragically, the illness was cancer and the client has since died of that disease. In court, the administrator is taking the position that he did not act arbitrarily or capriciously, a burden that Mr. Sorett tells me will be difficult to meet despite the clear fact that his client was disabled when his benefits were terminated.

This bill takes a very simple approach to this problem and one that I believe is eminently just. First, it would amend section 502 of ERISA (29 U.S.C. 1132) by adding that a beneficiary may recover benefits by proving by a "preponderance of the evidence" that the administrator erred in denying such benefits. This standard of proof is that which is used in civil litigation for breach of contract, torts, et cetera and seems perfectly reasonable in this context. Please note that the burden of going forward would still rest with the beneficiary and thus would still provide reasonable protection for plan administrators.

Second, the court would examine the benefit denial de novo and without any presumption as to correctness of the administrator's decision. I believe this provision is necessary in order that the beneficiary will have an opportunity to present all relevant evidence to the court and to make sure that the court does not simply "rubber stamp" the administrator's prior and perhaps unjust decision.

Third, I have added a provision which would award reasonable attorney's fees and costs to the beneficiary if the administrator is found to have acted in an arbitrary and capricious manner. This provision is, I think, clearly warranted since a beneficiary should not have to bear these expenses under those circumstances.

Finally, the amendment made by this bill is made effective with respect to actions commenced on or after the date of enactment.

Mr. Speaker, I hope Members will agree that this is a problem which very definitely deserves action by the Congress. ●

#### TRIBUTE TO RICHARD S. SCHWEIKER

#### HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. COURTER. Mr. Speaker, on behalf of the people of this Nation I rise to honor an outstanding and unique person who, after years of unselfish service to his country, will be leaving his post with the Government and the President's Cabinet to take a position in the private sector. I am referring to the retiring Secretary of Health and Human Services, Mr. Richard S. Schweiker.

Mr. Schweiker has been untiring in his devotion to our Nation, both in war and in peace. He served his country in World War II aboard an aircraft carrier in the Pacific Ocean. Following his election to the House of Representatives in 1960, Mr. Schweiker soon became a leader in Federal health and welfare policy. In his 20 years in Congress, 8 in the House of Representatives and 12 in the Senate, he became an acknowledged leader in the fight against diabetes and was well known for his work in preventive health care, cancer, and heart disease research, and sickle cell anemia legislation.

Since his appointment by President Reagan 2 years ago, Secretary Schweiker has worked effectively to reverse years of runaway costs in many programs and yet took steps to protect our most needy citizens. The HHS budget, which is the third largest Government entity in the world behind the total U.S. and U.S.S.R. budgets, deals with a complex range of health and social programs including medicare, medicaid, social security, and head start, all of which provide an immeasurable service to the citizens of this land.

Among the accomplishments of HHS under Mr. Schweiker's steady direction include renewed emphasis on child support enforcement efforts, work programs instead of welfare, a plan to improve safety conditions for

the elderly in the Nation's nursing homes, teenage alcohol abuse, tamper-resistant packaging for medicine, and increased efforts in informing Americans about good nutrition, physical fitness and other health-enhancing activities. These accomplishments came hand in hand with less paperwork, less waste, and more direct responsiveness to different individuals' needs. His contributions to our society will not be forgotten, as millions of citizens will continue to benefit from his accomplishments.

As Mr. Schweiker leaves to become president of the American Council of Life Insurance, I ask the other Members of Congress to join me in thanking Mr. Schweiker for his devotion to the public good and wish him and his lovely wife Claire the best of health and happiness in the coming years.●

#### BARTENDERS' BALL

#### HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES  
Monday, February 7, 1983

● Mr. FAUNTROY. Mr. Speaker, I would like to bring the Congress attention to a most important charitable event. In a time of budget cutbacks and high unemployment, an outstanding charitable effort is being undertaken by the bar and restaurant owners of the D.C. metropolitan area through their annual Bartenders' Ball.

Over the past 4 years the Bartenders' Ball has raised over \$150,000 for area charities. Through one of these charities, the Shaw Community Center Food Committee, the Bartenders' Ball has helped to feed many of the hungry in this city.

I want to urge you to support and salute the Bartenders' Ball, to be held on February 12 this year, and the spirit of compassion embodied in it.

If you want to know more about either the Bartenders' Ball or the Shaw Community Center Food Committee, please let me know.●

#### ISMET "MATT" DELETIOGLU

#### HON. HAROLD WASHINGTON

OF ILLINOIS  
IN THE HOUSE OF REPRESENTATIVES  
Monday, February 7, 1983

● Mr. WASHINGTON. Mr. Speaker, I call to the attention of my colleagues and the American people the continuing story of a businessman who represents the best example of what his country has to offer.

I speak of Ismet Deletioğlu, who has combined industriousness with selflessness, humanitarianism, and a genuine concern for the poor, the down-trodden, and less fortunate among us. At a time when our national leader-

ship has shown more interest in building implements of death and destruction, than in building bridges of understanding and extending a helping hand to the old, the indigent, and those who have lost hope, the story of Mr. Deletioğlu stands in stark relief to the cynicism and despair that too often dominate our thinking.

Ismet Deletioğlu, Matt to his friends, is an American of Turkish descent, who for the past 8 years has owned a restaurant in Chicago called "the French Port." Each year beginning in 1975, he has opened his restaurant once a year on Thanksgiving Day to feed the poor and lonely. Last year, he fed more than 1,600 people. He refuses to accept any contributions from others to help underwrite the expense.

One of seven children who were orphaned when he was 10 years old, Matt became a merchant seaman on a Liberian freighter. He jumped ship and decided to make his own way in Chicago. His rise from a seaman without a ship to a successful and wealthy restaurateur is a shining example of what industry and diligence can still achieve.

Matt brought another characteristic to our shores—generosity. He remembered a custom in Turkey whereby once a year the wealthy would feed the poor; so when he became wealthy, he began to feed the poor and lonely on Thanksgiving day. As Matt has said:

I think people should care for each other—what we do we do from the heart, not for publicity or money, just from the heart.

During Brotherhood Month in 1983, the Members of this body, the people of this Nation and the people of Chicago would do well to pause and recognize Mr. Deletioğlu's example. He is a man who has brought to our Nation a desire for unity and brotherhood among all people, a generous heart, an enterprising mind, and a helping hand. It is appropriate that he should be honored in this way.●

#### THE 1983 CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

#### HON. TIMOTHY E. WIRTH

OF COLORADO  
IN THE HOUSE OF REPRESENTATIVES  
Monday, February 7, 1983

● Mr. WIRTH. Mr. Speaker, beginning today, the 1983 Call to Conscience Vigil for Soviet Jews will bring to the attention of Congress and the public the plight of Soviet Jews who seek freedom of religion and the right to emigrate. The continued oppression of Jews in the Soviet Union represents a crisis in international human rights. The Soviet Union's denial of the basic guarantees of freedom violates both

the letter of our international agreements and the spirit of a humane world order.

The Soviet Government seems to have resumed its contemptible program of official anti-Semitism. Jewish history, culture, religion and language are suppressed—or are subject to malicious distortion in the state-run press. Individual Jews, attempting to keep alive the flame of their heritage, are harassed, arrested and imprisoned.

Emigration of Soviet Jews is virtually nonexistent. The numbers alone cannot speak of the personal anguish and official persecution that is the lot of the refuseniks. Those courageous enough to organize and speak out against this atrocious system have been imprisoned. But they cannot be silenced.

Today, I would like once again to speak about Prof. Nahum Meiman, a Soviet Jew and a mathematical scientist who has been actively seeking an exit visa since 1974. Professor Meiman's case is representative of the harassment and threats to which Soviet scientists have been subjected in their struggle for basic human rights.

In 1935, Nahum Meiman received the highest degree awarded in the Soviet Union, doctor of physical and mathematical sciences. He is widely known for his pioneering work in quantum field theory and he worked at the Institute of Theoretical and Experimental Physics in Moscow until his dismissal. When Professor Meiman decided to emigrate from the Soviet Union, his application was denied on the grounds that he "possessed state secrets."

In a letter to the late Leonid Brezhnev, Meiman explained that the only time in his career that he dealt with classified subjects was in the years 1948 to 1955, when he worked on military-related theoretical calculations at the Institute of Physical Problems of the Academy of Sciences. Since the research had been conducted more than 25 years earlier, and had then been published in widely circulated journals, it could hardly be characterized as "state secrets." Meiman appealed:

I declare categorically and can prove convincingly that I do not possess any state secrets . . . I am afraid that the possession of secret information of which I am being accused is not the real reason for denying me a visa . . . but is only a pretext.

Recently, Ms. Annette Lantos, the wife of our distinguished colleague TOM LANTOS, traveled to the Soviet Union and met many of the refuseniks we will speak of during this year's Call to Conscience Vigil. In Moscow, she visited Professor Meiman and his new wife, Inna. An excerpt from Ms. Lantos' record of her trip:

To me, the highlight of our visit to the Soviet Union came in the course of visits with two most distinguished groups of re-



fuseniks—scientists, professors, philosophers, as well as dedicated young men and women, who under totally false and evil pretext have been refused their application for passports and exit visas from the Soviet Union. They have become outcasts in their own country.

Our host in Moscow was a 71 year old professor named Nahum Meiman and his lovely wife, Inna. Professor Meiman is an internationally recognized authority in mathematics and elementary particle theory. His daughter and grandson live in Boulder, Colorado. In 1975, after applying for an exit visa to leave the Soviet Union he had to resign from his job at the Institute of Theoretical and Experimental Physics, where he had worked for many decades. He was not only deprived of this work, but he was also expelled from the Hospital where he had received medical treatment for over 35 years. He is gravely ill with a heart ailment and the deprivation of medical care by the Soviets was a terrible blow. His telephone service has also been cut off which for a sickly person is an extremely dangerous situation. Yet Professor Meiman's concern is not for himself. His modest, poor, little apartment is the central meeting place for the harassed, long-suffering group of outcasts, the refuseniks, who can always count on a word of comfort, wisdom and good advice from both the professor and his wise and brilliant wife, Inna, who speaks perfect English, and acts as an interpreter with visitors from the United States.

Professor Meiman was the first man to give some cohesion to this desperate and discouraged group by writing letters to leaders in the West protesting the injustice of their conditions, and calling for help and support. These letters began way back in 1971, and by asking other refuseniks to sign these letters the beginning of a group interaction was established amongst them. This provided them with a modicum of support and encouragement.

Throughout his ordeal, Professor Meiman has shown extraordinary courage and devotion to the human rights cause. He has been an active human rights advocate and took a leading role in the Helsinki Monitoring Committee, which was sadly dissolved last year. Of the original leaders of this heroic group, only Meiman and his close friend Andrei Sakharov remain out of prison—and Sakharov has been banished to internal exile.

Along with every citizen of the Soviet Union who seeks to emigrate, to enjoy the freedom that we all should enjoy, Nahum Meiman's hopes lie with us. It is our responsibility, as members of a free society, to impress upon the Soviet Union our commitment to the human rights of all people.

What can we in the Congress do to help relieve the suffering of the Soviet Jews? Few of our activities are as emotionally trying as our attempts to persuade the Soviet Government to grant its citizens basic human rights. Too often, our letters and telegrams are answered only with the unholy silence of Soviet officialdom. But we must continue to remind the U.S.S.R. that we have not forgotten the Soviet Jews' ordeal.

Mr. Speaker, as chairman of the 1983 Call to Conscience Vigil for Soviet Jews, I am asking each of my colleagues to participate in this program, which for 8 years has provided an effective vehicle for voicing our concern. The vigil is a series of statements in the CONGRESSIONAL RECORD—each by a different Member of Congress, each describing the plight of a different Soviet citizen, each on a different day throughout the year. It is a coordinated effort to convey our concern to the American public, to the executive branch of our Government, and to the world. The vigil allows us to speak individually, yet with one voice.

Taking over the chairmanship of the Call to Conscience Vigil from our colleague NORMAN LENT, I hope to continue its tradition as the single largest ongoing effort by Congress to secure human rights for Soviet Jews. I strongly urge my colleagues to join us.●

#### DOMINIC COTE: THANKS FOR A JOB WELL DONE

#### HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, voluntary service is one of the highest forms of community service. Each day, tens of thousands of volunteers do important, worthwhile jobs that simply would not be done without them. Our country is greatly enriched by their efforts.

Never was this more apparent to me than when I first read about Dominic Cote, one of my constituents. Dominic is 15 years old and spends his weekdays after school as a volunteer at the Villa Maria Nursing Home and Rehabilitation Center, in north Miami. From all reports, both Dominic and the residents of Villa Maria are better for it.

The Miami Herald recently ran a story about Dominic Cote. I think we need to recognize and encourage his kind of initiative, dedication, and service, and I want to share with my colleagues the following article about an outstanding young man. I hope that his efforts will inspire other young people to do the same.

The article follows:

[From the Miami Herald, Jan. 23, 1983]

DOMINIC COTE

(By Matthew Creelman)

Each day after school, Dominic Cote leaves North Miami Junior High, walks east on NE 125th Street and steps into another world.

It's a world few other 15-year-olds know. It's a world few young people even care about.

Cote is the youngest volunteer at the Villa Maria Nursing and Rehabilitation Center in

North Miami. For four years he has visited "the villa" after school.

"It's like Atlantis, you could say. It's a whole different world where none of the people leave," Cote said.

"And when you enter this world it's fascinating, because they don't keep up with the world outside.

"It's like living inside a bubble."

Cote, a native of Montreal lives in Key-stone Point with his brother, sister and parents. He started volunteering at Villa Maria with his sister when she became interested in nursing.

He is at Villa Maria between 4 and 8 p.m. weekdays. At dinnertime he helps residents with their trays and keeps them company while they eat. He is well appreciated.

"A very, very nice boy," said Gertrude Brock, a resident from Brooklyn, N.Y., who was relaxing in the lobby at Villa Maria Friday afternoon. "A lovely boy. We've watched him grow."

Brock, 87, has lived at Villa Maria for 12 years. "He does anything you ask him. What more could you want?"

"I can't see a fault about him. He's not fresh, he's not full of it. He has very good manners."

Cote, who speaks with a slight accent that gives his words a crisp, learned quality, finds it difficult to explain why he spends so much time at Villa Maria. He clearly isn't doing it to have something to boast about.

After thinking a few moments, he said:

"A little thank you means a lot. Maybe that's why I've stayed at the Villa so long."

And then he added: "What is the saying? What you do with your parents, your kids will do with you."●

#### STATEMENT OF THOMAS ENDERS

#### HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I would like to call to the attention of my colleagues the following statement by Assistant Secretary Thomas Enders on the certification of progress in human rights, land reform and democratic institutions in El Salvador.

STATEMENT OF THOMAS O. ENDERS

1.

The Congress has authorized military assistance to El Salvador because the survival of that country is important to American security. The outcome of civil strife there can affect the future of the Panama Canal, and of our immediate neighbor Mexico. And we are mindful that no less than one half of our trade passes through the Caribbean.

The Congress has also conditioned military assistance to El Salvador on periodic certification of progress in human rights, land reform and the creation of democratic institutions.

2.

One could argue about the procedure adopted. Many of us don't feel comfortable with having to say it's OK—or not OK—every 180 days with no third choice. Periodic certifications can polarize opinion here, obscuring a broad agreement that we don't want to see Central America dominated by Marxist-Leninists, but do want to see it

reform. Or they can threaten the morale of our friends in the area, who fear that aid may be suddenly withheld. Or they can give an opportunity to the guerrillas, who have found that a "certification offensive" is a natural medium for publicizing themselves. And such major factors as Cuban/Nicaraguan support for guerrilla forces are left out altogether.

But Congress clearly intended to give the Administration in certification a means to encourage and ensure progress towards human rights, land reform and democracy.

And no one can argue about the goals. Only through the emergence of legitimate institutions, in which all factions can participate, will the civil strife in El Salvador be overcome.

Only when political violence, including that of government forces, has finally been ended, can representative institutions be fully effective.

And only when the process of redistributing land, whose ownership was once cruelly unequal, has been completed will there be social justice.

3.

This third certification does not say that these goals have been achieved.

It says that El Salvador continues to advance toward them.

The certification says that the "land to the tiller" phase of agrarian reform—whose future was a matter of such concern at the time of the last certification—has been vigorously relaunched. Look at this chart. No less than 9,638 farmers filed title applications in the second half of 1982. If you include family members, that means some 60,000 new beneficiaries of land reform once the applications are processed. More than 20 percent of arable land has been redistributed since U.S. aid to El Salvador began three years ago.

The certification says that political violence continues to diminish, although at a slower rate than at the time of the second certification. When a group of reforming officers overturned the old order in El Salvador in 1979, an explosion of violence by right and left occurred—anarchy really, in which every man could inform on every other, and in which security forces, vigilantes, guerrillas all took justice into their own hands. This anarchy has gradually abated, as the government has instructed its forces in human rights concerns and extended its range of control. Look at the chart. Political violence is only a quarter of what it was two years ago.

The certification says that the fragile new democracy that emerged from the war in the massive turnout of the March elections has proved resistant to the manipulation of individuals or minorities. The country is headed towards full presidential elections a year from now on the basis of a new constitution. Democracy is little by little emerging.

4.

Grave problems remain. The judicial system is not working. Often soldiers disciplined and turned over to it simply remain in detention without being prosecuted. One alleged participant in the murder of two American land reform workers—a man whose probable guilt was established by a government-appointed and army-supported commission of inquiry—was set free by judges intimidated or bought. And although two more are detained and being prosecuted, yet another is a fugitive. A trial process has begun for the accused murderers of four

American churchwomen. But all of us are still waiting for justice to be done.

Moreover dissenting views in the coalition have so far prevented the government from going forward with two initiatives that are essential to moderate the conflict: a serious amnesty, and the Peace Commission to promote reconciliation with adversaries.

5.

Mr. Chairman, these points bring me to some of the issues raised in your January 31 letter inviting me to these hearings.

Even though progress is sometimes maddeningly slow—for instance on the promised Peace Commission and amnesty—our judgment of the political situation is that the center is holding—and gradually expanding. The process of building a consensus through constant and close consultations among divergent factions is an integral part of the way the Salvadoran political system is now working.

On the military side, the war has been largely localized over the past year. The guerrillas periodically mount hit-and-run attacks. Government forces then dislodge them. Although neither side seems able to gain a decisive military advantage, guerrilla military actions are proving unable to prevent the gradual strengthening of democratic political processes.

The economy is in trouble. The guerrillas have mounted a destructive campaign of economic sabotage in an effort to sow dissatisfaction and fear among the Salvadoran people. The world recession has been especially costly to Central America and Latin America as a whole. Investors and lenders shy away from any business environment as uncertain as that of El Salvador. Real GDP has declined by some 25 percent in three years; unemployment now approaches 40 percent in many areas of the country. The decline was slower in 1982 than in the previous two years, and there is hope for a better performance in 1983.

As noted in the certification report, the government is making a serious effort to improve the human rights behaviour of government forces. Progress has been uneven. It has been greatest with the National Police. Other forces have been less successful, especially those with highly decentralized structures which impede close monitoring by their commanders. Again, I would refer you to the certification report for more details.

Also as noted in the certification report, we continue to be dissatisfied with the functioning of the Salvadoran judicial system. Ambassador Hinton's October speech before the American Chamber of Commerce in San Salvador, the certification report, and every other major statement of U.S. policy, make clear that this is one of our highest concerns. Some of the progress in two U.S.-citizen cases has taken place since the Hinton speech, but as I noted earlier, we are still waiting for justice to be done.

The certification report contains detailed statistical information on the progress of the land reform. Statistics received only yesterday confirm the great strides made in the "land to the tiller" program since the last certification. During the month of January alone, almost 27,000 additional acres were brought under that program, based on 8142 new title petitions from peasants working the land. Most impressively, and with the broadest implications for the permanence and stability of the program, in January 738 new final titles were issued to peasants—almost five times more than were issued in any previous month, and more than dou-

bling the cumulative total of final titles issued by the end of December. By any standards, Phase III is now advancing rapidly.

We will support renewal of the land to the tiller program when it comes up for continuation in March. The program has already been extended twice, in one year increments, since the passage of the original law. The proportion of expected beneficiaries who have actually made application for title remains dramatically lower in departments of high guerrilla activity than, for instance, in the four relatively tranquil western departments. With such large blocks of potential beneficiaries still waiting, the agrarian reform must be extended.

With regard to your last question, Mr. Chairman, human rights abuses in El Salvador are not rooted in any single cause, much less in any cause that could be removed quickly by any particular policy of the government of El Salvador. It is not reasonable to expect that all abuses could end within six months. Nor would it be realistic for the United States to fashion a policy based on such an assumption.

Over the last three years, U.S. assistance has contributed decisively both to the ability of El Salvador to resist the attempts of guerrillas with external support to seize power, and to El Salvador's ability to reduce violence while undertaking a process of democratic transformation and socio-economic reform. Our continued assistance is vital to the consolidation of these processes.

6.

Some people say: stop the military aid to El Salvador, and the killing will stop.

But it wouldn't. Cessation of military aid would mean only that the fighting—now concentrated in four departments, three of them lightly populated—would spread to all frontiers. And the death squads and vigilantes would once again flourish as the central government faltered.

Others say: force the government to negotiate with its adversaries, and the killing will stop.

But it wouldn't. No Latin American government has ever agreed to negotiate as an equal with its armed opposition—and survived. Venezuela didn't agree to do so in the 1960's. Nor did Peru or Brazil. Colombia didn't this year. And El Salvador is not pre-Fidelista Cuba or pre-Sandinista Nicaragua. If we attempt to force the Government of El Salvador to negotiate with the guerrillas as equals, we risk its collapse. And the result could be anarchy as left, center and right all fight for the remains.

And should in either case the guerrillas prevail, we know there will be no democracy, no respect for human rights, no land to the individual tiller.

7.

If power sharing without reference to democratic principles is no solution, what is? The answer is inescapable: the cooperative development of political processes that are democratic and that provide the security as well as the means for reconciliation.

And not in El Salvador alone. For just as the fighting has become a regional problem, the solution must be regional as well. And our objective must be to foster conditions, both political and military, that will bring lasting peace to Central America.

Last October, the government of Costa Rica helped define a set of principles we believe can help achieve that goal. Both El Salvador and the United States signed the Final Act of San Jose setting forth eight



principles, which single out respect for human rights and the development of democracy, and which also include reciprocal measures to reduce and eliminate military conflicts.

These principles embody four basic points: Taking Central America out of East-West competition, through such measures as removal of foreign troops and military advisers;

Defusing tensions among nations in Central America, by reciprocal and verifiable agreements on arms imports, frontier control, and assistance to insurgent groups in each other's territory;

Launching a region-wide democratic transformation, by ensuring that all citizens who organize politically can have a voice in determining the future of their country; and

Strengthening the economies, by reactivating the Central American Common Market and implementing the economic initiatives of neighboring countries, including our own Caribbean Basin Initiative.

Together these four points represent what we are aiming at in Central America.

For El Salvador, the fourth certification period is now starting. I hope that the message from this hearing will be:

That we expect land reform to be continued when the law authorizing it comes up for a renewal this spring;

That if civil justice cannot be made to work in an emergency, courts of military justice should be set up and used to punish those members of the security forces who are found guilty of abuses;

That the long hard work of reconciliation must begin now, with the Peace Commission and amnesty;

That we expect the alleged murderers of our countrywomen and countrymen to be judged and, if found guilty, punished; and

That the survival of El Salvador is important to us, and that we still support a country which reforms itself to resist enemies who we know will not support democracy, or human rights, or the distribution of land to the farmer who tills it.●

#### IS THERE EQUITY IN TEFRA?

#### HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. MARRIOTT. Mr. Speaker, today I am introducing legislation to repeal sections 301 through 308 of the Tax Equity and Fiscal Responsibility Act of 1982, which impose withholding on interest and dividends.

The Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) was introduced to raise revenues to narrow anticipated budget deficits due to the widespread concern about the anticipated size of the Federal deficit. While TEFRA contained numerous positive changes in the tax policy, the 10 percent withholding on interest and dividends will not best produce the original desired results.

The American people have overwhelmingly opposed the withholding tax on interest and dividends. I have received letters from students, senior citizens, bankers, young families, businesses—large and small—nearly every-

one who will be affected by this provision of TEFRA. I feel they are justified in their cause. The withholding tax is ill-timed, inequitable, and counterproductive. It is not in the Nation's best interest.

I support repeal of the 10-percent withholding tax for five major reasons:

First, the costs to the private sector to collect IRS funds are estimated to be 30 to 40 percent of the total first year Treasury projection. This means \$2 to \$4 per account, a cost which most withholding agents will have to pass on to the customer. This cost appears totally unjustified when taking into account that the Internal Revenue Service reports a compliance rate for this kind of tax at over 96 percent. Is this fair, Mr. Speaker, to the honest law abiding taxpayer?

Second, temporary exemptions for some withholding agents are unfair and discriminatory among customers of competitive institutions and corporations. Another potential inequity is created when there is no objective standard for granting temporary institution exemptions.

Third, those savers and investors entitled to exemption from withholding will incur burdening amounts of paperwork and red tape requirements to establish eligibility.

Fourth, I believe withholding works against the objective we have been aiming for, the need to encourage savings and investments. Indeed, this withholding tax proves a disincentive to save and invest.

And fifth, withholding will tighten up the supply of lendable funds, as a large amount of the interest earned on savings accounts remains in the financial institutions and is used to fund home mortgages and other loans.

Due to the innumerable valid objections to withholding, the repeal of the 10 percent is gaining increasing momentum in the House. I have joined with 56 of my colleagues in writing to the chairman of the House Banking Committee, urging the committee to hold hearings to assess the anticipated impact on the cost of banking operations under this provision of TEFRA.

Moreover, there are nearly 40 pieces of legislation introduced to repeal this withholding provision. Let us admit we made a mistake by including this withholding tax in the Tax Equity and Fiscal Responsibility Act of 1982, and show we are ready to make amends. I join the majority of my constituents in expressing displeasure for the withholding tax, and urge my colleagues to join me by supporting repeal of these inequitable and counterproductive provisions.●

#### EL SALVADOR?

#### HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. EDGAR. Mr. Speaker, almost 2 years ago, having just returned from a trip to Central America, I rose to comment on U.S. support for the Govern-

ment of El Salvador. The President has just announced his decision to certify that El Salvador has improved its record on human rights, land reform, and in other areas, making that country eligible for continued U.S. military aid. I find it disturbing that the comments I made in 1981 are still relevant as the administration issues this latest certification. I stated at that time:

I hope that the real issue will not be lost . . . the fact that innocent civilians are losing their lives every day while the United States continues to arm the very military responsible for much of the carnage. Sending military equipment to El Salvador will not solve the basic inequities or necessity for economic and social reforms in that country.

The administration continues this lengthy charade by claiming that progress has been made on human rights in El Salvador. In the Washington Post yesterday, former Assistant Secretary of State for Human Rights Patt Derian cataloged the horrors still occurring daily in that country. It has been over 2 years since four American churchwomen were murdered in El Salvador. The killers have not been brought to justice. It has been over 2 years since two American land reform advisers and a Salvadoran land reform official were assassinated in a San Salvador hotel. No one was ever convicted for these killings. These 7 join thousands of Salvadorans who have needlessly died—30,000 people since 1979. Successive Salvadoran governments have failed to halt these senseless, violent deaths and bring peace to the troubled nation. Some leaders have not even attempted to reach these goals.

Mr. Speaker, last week, an American soldier was wounded in El Salvador, even as some advocated increasing the number of U.S. advisers. The intensity of the fighting between guerrilla forces and government troops has increased; the brutal murder of civilians by the government and rightwing death squads is still the norm. We have nothing to gain by fueling this war with additional arms, by promoting a continuation of the daily horror that Salvadorans face. I urge my colleagues to support the bill introduced last week by my colleague from Massachusetts, Mr. STUBBS, to suspend military aid to El Salvador until Congress determines that progress in human rights has been achieved in that country. In this connection, I commend to my colleagues Ms. Derian's article, which I am inserting into the RECORD. Her comments are extremely relevant as we consider future U.S. policy in El Salvador. The article follows:

[From the Washington Post, Feb. 6, 1983]

#### EL SALVADOR: THIS IS PROGRESS?

The foreign policy of the United States is the least pragmatic in the world. And we're at the point of proving it again. After a few days of immersion in the savagery of El Sal-

vador, that's the kindest thing I can say about our "involvement" there; we're going to get egg on our face, one more time.

The people born in the place and still alive are being spent like money. The Catholic human rights organizations hand over a stack of photographs to make sure the visitor understands precisely what their pages of statistics mean, to be certain that it is understood that this conversation is about men and women who were alive last Fourth of July.

Here is a crisply dressed young man in khaki trousers, with a neat canvas belt holding his fresh sport shirt in a tight tuck. He's wearing running shoes, but he's lying just off a road, with his head by his side, about waist level. There is a companion picture of a middle-aged woman equally well turned out; she's in the same fix. There are people pictured in attitudes of death that cannot be imagined: a portly man sitting upright, somehow, in a chair. A small row of teeth dangles in the mass of tissue that erupted when someone put a live charge in his mouth and blew the bones of his face away.

No more picture descriptions. Let us move to the living, out under a leafy tree on a warm, quiet afternoon in the capital city. A group of people listened to a mother telling about her family. She had parents, brothers, a husband and children. She still has some of the children, but all of the male members of her family have been taken by the government and killed, one by one. On the occasion of each "arrest," she was taken too. Of course, her teeth were knocked out. She was used for target practice and winged all up and down her body. Winged means shot. Another time her right breast was sliced and slashed; what was left was barely enough to give surgeons two skin flaps to sew together. That is only the beginning of her mutilation, yet she stood speaking in soft-voiced despair of the future.

War is hell; you can't get sentimental about war; everybody deplores what happens in war. Wrong, wrong, wrong. No description of hell touches the beastiality of what is happening to the people of El Salvador. Not a handful of people; thousands of people. It is not sentimental to face squarely the consequences of human brutality. It is the necessary reality for those who order, allow and do it and those who bankroll and apologize for it.

Nobody in the United States knows what the guerrillas deplore: we don't talk with them. However, those conducting the war on the government side definitely say "tch, tch" and attain a serious look in order to add that it is terrible and recite the litany about war and hell and deploring. What really engages the conductors are the power play and the argument. That is where the eyes sparkle and the fist hits the table and the words spill out. Whatever it might have been in the beginning, that is the point of the engagement now.

The power players are few in the general scheme of things, but they are lethal. There is that old Salvadoran standby player, the army, once the kept protector of the oligarchs, now ours. Its human rights abuses are exactly the same as they were for all the years the army has been in charge of the government. It was brutal before the war and it is brutal now. The army is responsible for its practices; that comes with the power. No matter that yesterday's oligarchs didn't care and no matter that the U.S. government can't figure out how to be their friends and make them look or be better.

The United States is the banker, as reckless and shortsighted as the bankers who

have loaded poor nations with debts they can never repay and equally as desperate to find some way out of its trouble. Unlike those other bankers, however, even desperation can't seem to make the Reagan administration act in the national interest—not in the short run, not in the long run. We have bought ourselves an army of killer children, commanded by vile generals at the top and God knows who in the field. The United States trains and equips the army to make it more efficient and supports the government in power.

The guerrilla leaders or their spokesmen/defenders seem to be the usual mixed bag. Some speak of genuine democracy and justice, others offer a new set of thugs whose strings are or are not pulled by still another foreign government. If they "won" someday, the strongmen would be likely to sweep the democrats aside and leave the Salvadorean no better off than they are today.

That's the list of power players. The legislative body doesn't appear because it is not a factor in the game; it is simply of use in the argument. The argument for our involvement is composed of items to be used as assertions, as in: look, they had a democratic vote, this legislative body was elected, thus, a fledgling democracy was produced. The one time the legislature took any action not dictated by the man it elected its leader, Roberto D'Aubuisson, there was public and private diplomatic handwringing that he might simply sweep it out of the picture altogether. The president is not in the game. His only possible constituency would be the people, but he doesn't see a way to get to them and stay alive.

The Catholic church is an unknown factor in that it has integrity, ideas and moral authority, but there is uncertainty about the direction the pope will impose when he comes to visit. Will the Salvadoran church be confined to burying the dead, consoling the survivors, offering the end of suffering in the hereafter and sending gentle ideas for peace from the pulpit? Or will the whole church thunder and demand, of all the power players, an end to the ungodly carnage and deprivation?

The men with the glittering eyes who would topple D'Aubuisson, or one general or another, those men in their bulletproof clothes who would represent the political right, only get to play if they make the big win. Until then they too are part of the argument: we could be a lot worse off, if General Blank were running the army or if Senor Soandso knocked off D'Aubuisson.

Meanwhile, back here at home the secretary of state seems to be disengaged. Maybe, as a Foreign Service officer told Post reporter Christopher Dickey last fall, it's "The gang that couldn't shoot straight gets another chance," and the whole question just rocks along below the secretary's office, out of sight and out of mind. While administration flacks are out flogging the propaganda that we're moving right on to democracy in Salvador, no one appears to be thinking about what our interest could be in keeping this war and horror going.

Every six months the president certifies a lie: that progress is being made on human rights in El Salvador. Progress is not being made.●

## SOVIET JEWISH EMIGRATION

### HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. FROST. Mr. Speaker, never before have Soviet Jews been so blatantly exploited as pawns in the United States-Soviet Union rivalry. The National Conference on Soviet Jewry has released Soviet Jewish emigration figures for January and they have sunk to an all-time low in the history of the Soviet Jewish movement. Only 81 Jews were permitted to emigrate from Russia in January, this down from an already low level of 176 in December.

In 1981, Mr. Speaker, 9,447 Jews left the Soviet Union. In 1982, that number sunk to 2,688, and January's figures portend a year of even more declines.

Mr. Speaker, we, in the U.S. Congress, are obligated to speak out either publicly or privately against the official harassment of Jews in the Soviet Union as reflected in this emigration record. There is little doubt that Soviet Secretary Andropov has seized upon this issue to further his aims in other policy areas, but this body must let him know that political persecution of minorities will gain him no leverage with the U.S. Congress.

Individual Members can take any of several actions. They can, with great fanfare, publicly denounce the Soviet Union and its representatives here in Washington. They can petition the President and Secretary Shultz to make human rights priority issues with Soviet officials. If Members are uncomfortable with public expressions, they can quietly let our Government and the Soviet Government know that full compliance with the Helsinki Accords will be demanded as the entry price for doing business with our country.

Mr. Speaker, this is a question of basic human dignity. We, as a nation, have made the commitment to fully protect the freedom of expression and movement for all Americans, and we have in the past demanded almost as much from the nations with which we associate. It is this character that distinguishes our country and our people from the totalitarian governments of our adversaries. If the Soviet Union will never become a model of democracy, then so be it. But when it establishes and defends a record of human oppression and degradation, then it is time for this Congress—as the voice of all freedom-loving Americans—to assert itself in support of the qualities that have made us great.●



# **SOCIAL SECURITY SAVINGS BOND ACT OF 1983**

**HON. RICHARD T. SCHULZE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. SCHULZE. Mr. Speaker, today, I am introducing H.R. 1303 a bill to create a social security savings bond.

This new investment instrument will contribute to the solution of the near-term solvency problems of the social security OASI trust fund. Staff estimates indicate that by 1989, the cumulative cash flow benefits to the trust fund from the bond program would be \$5.9 to \$9.9 billion.

The social security savings bond program will create a new way for retired Americans to invest, and for these same retired Americans to participate in a patriotic effort to preserve the social security system.

The bonds would augment and enhance the proposals of the National Commission on Social Security Reform. In no way would the bonds detract from the compromise agreement. Rather, they would help close the gap between the revenues raised by the Commission proposal—\$168 billion—and the estimated short-fall in trust fund revenues—\$200 billion.

Here is how the social security savings bond program would work:

1. At the election of a Social Security recipient, the entire amount of retirement benefits (OASI) payable for a twelve-month period would be disbursed by the Social Security Administration in the form of a bond registered in the name of the electing recipient.

2. The bond would be issued at the end of the twelve-month period, or a shorter period, in the event of the death of the electing recipient. Once issued, it could be redeemed or it could be held for any length of time.

3. The bond would be free of all taxes: federal and state income taxes, federal estate taxes and state inheritance taxes. The value of the bond and all accrued interest would be excluded from the taxable estate. Similarly, all interest earned on the bonds would be tax-free. Any amount of benefits that could otherwise be subject to income tax (as has been proposed by the National Commission) will be excluded from taxable income until the recipient redeems the bond. Then, 50 percent of the face value of the bond would be taxable.

4. Bonds remaining unredeemed at the death of an elector would pass according to the terms of the elector's will or the laws of intestacy. When redeemed by an heir or beneficiary under the will, neither the accrued interest nor the otherwise taxable portion of the bond principal (reflecting foregone OASI payments) would be taxed to the heir.

5. In order to elect the bonds rather than monthly checks an OASI recipient would make application to the Social Security Administration. The election would be irrevocable for twelve months, and could be renewed automatically.

6. The bonds would be attractive for many Social Security recipients who are fortunate

in their economic circumstances and do not need their OASI income for current purposes. The bond would be a desirable alternative investment because of the tax deferral on currently taxable benefits, because of the potential for permanent deferral if the bond is not redeemed before death, and because of the tax exempt interest which would be earned.

7. The bonds would accrue interest at 70% of the Treasury Bill rate beginning with the date of the first Social Security payment after the election went into effect. Interest would accrue on the full amount of benefits foregone, not just the otherwise taxable portion.

It is important to recognize the multiplier effect of the bond of Trust Fund revenues: By foregoing funds to be received through taxation of one-half of the benefits received by high bracket taxpayers, the fund will retain all the cash which would have been paid out in benefits. Assuming half the benefits were subject to tax, and a taxpayer in a 50% bracket, the Trust Fund cash retention multiple is 4 to 1. For every tax dollar the Trust Fund loses, it gains four bond dollars. Assuming a 25% bracket electing recipient, the multiple is 8 to 1.

Note that only benefits taken as bonds and held until the death of the electing recipient will remain untaxed. Bonds which are redeemed during a beneficiary's lifetime will be subject to tax just as they would have been if received in the form of Social Security monthly checks. The Trust Fund will, however, have had the benefit of the deferral for the period the bonds go unredeemed—normally one year or more.

Skeptics have asked whether Social Security recipients can afford to forego their monthly cash payment in favor of a Social Security Saving Bond. The answer is emphatically, yes, many can. Consider the following:

1. The Bureau of the Census has reported that in 1981, there were 2,095,000 with at least one family member age 65 or older and total family money income of \$25,000 or more. Further, there were an additional 484,000 unrelated persons with a total money income of \$20,000 or more. Of these persons collectively, 514,000 had total money income of \$50,000 per year or more. Surely these Americans can afford to invest in the future of less fortunate retired Americans.

2. The New York Stock Exchange has reported that 4.5 million of the 30 million stockholders in the United States are 65 or older.

3. The Exchange has also reported that as of mid-1980, 393,000 Americans aged 65 or older made their first stock or mutual fund purchase during the five preceding years. This compares with the 3,842,000 "veteran" stockholders aged 65 and over.

4. Preliminary data from a 1979 study performed by Social Security shows that among persons aged 65 years or older, 14,668,000 had savings accounts; 4,861,000 owned certificates of deposit; 3,246,000 owned U.S. Savings Bonds; 593,000 received income from personal loans or mortgages. The study also found that there were approximately 4.3 million older Americans who owned dividend-bearing assets. The study disclosed that older Americans invest in a variety of illiquid assets as well as interest and dividend-bearing investments.

5. A 1977 Consumer Credit Survey published by the Federal Reserve Bank found that families with a family head age 65 or over held significant assets in checking or

savings accounts: approximately 16% held \$2,000 or more in checking accounts; over 40% held \$2,000 or more in a savings account; 16.9% of the families with family head age 65-74 owned certificates of deposit; 8.8% owned certificates with a value of more than \$10,000. In the 75 and over age group, 14.6% owned certificates; 7.9% owned certificates with a value more than \$10,000.

6. According to the IRS, 45% of all reported savings account interest is earned by people over 65, even though they represent only 11% of the population.

7. A 1977 University of Michigan study determined that older Americans have a preference for bonds and savings accounts over investment in real estate and other investment modes. The rate of increase in preference for liquid investments increases as investors get older.

It is clear then, that retired Americans hold investments when they retire. And it is clear that those older Americans who have a substantial income stream will continue to make investments after their retirement. Social Security Savings Bonds will be an attractive investment option for both financial and patriotic reasons.

During World War II, the government established the War Bond program and gave it wide and forceful publicity. President Roosevelt gave his personal endorsement to the program by purchasing the first Series E bond issued. As is well known, the program was a success. The receipts from the bond program played an important role in funding the war effort.

I believe that the Social Security Bond Program will touch a responsive, patriotic chord in the hearts of many Americans and that this will add to the success of the program.

Mr. Speaker, Social Security Savings Bonds are a means of improving the cash position on the OASI Trust Fund while maintaining the integrity of the National Commission's compromise package.

It is a program that will encourage well-to-do recipients to invest in the futures of other retired Americans who do not have their means. The investment would help save the Social Security System on which so many Americans depend for their survival.

The bond program would contribute not only financially, but also to an improved perception of the system by younger Americans. They would see that the system would be backed not just by the promises of Government—those of us here on Capitol Hill—but also by the faith and investment of many social security recipients themselves.

I solicit the support of my colleagues for H.R. 1303, the Social Security Savings Bond Act of 1983. ●

## **REMOVAL OF TAX AMBIGUITIES FROM PIK PROGRAM**

**HON. TOM HARKIN**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. HARKIN. Mr. Speaker, on January 11, President Reagan announced the administration's payment-in-kind program (PIK). Secretary Block began formulating the PIK or "crop swap" program early last November, at

which time he briefed Members of Congress.

In explaining the program, Secretary Block has said:

PIK is basically simple. A farmer who takes out of production additional acres over what he agrees to take out under the current program will receive as payment a certain amount of the commodity he would have grown on these acres. The commodity is his to do with as he wishes.

The Department of Agriculture has been open to public comment and discussion through the developmental phase of the program.

However, one area of PIK demands immediate attention: the tax implications of the program.

When I visited farmers in my district recently, many of them expressed concern about how participation in PIK would affect their income tax.

That concern is valid.

Dr. Neil Harl, an Iowa State University tax expert, has stated that farmers who participate in the program face the substantial risk of "bunching" 2 years of income into a single tax year. Dr. Harl also warned of major problems with estate taxes unless the law is changed.

Because of the doubts about PIK, some farmers have already informed me that they will not sign up for the program unless the IRS tells them how their grain will be taxed. The registration deadline for participation in PIK is March 11, so this is the deadline the farmers are operating under.

Farmers are being encouraged to sign up for the program. However, unlike previous farm programs in which farmers had the option to register early and then withdraw later in the growing season, the rules of the PIK program require that farmers pay a penalty if they withdraw after the March 11 deadline. Farmers who register for the program but decide to withdraw will be subject to a stiff penalty: \$0.57 per bushel for Iowa corn, for example.

I believe the U.S. Government has certain obligations in meeting its end of this bargain, and one major obligation is that the tax considerations of the PIK program must be clarified immediately.

Today, I have introduced legislation which will, upon passage, alleviate major tax-related concerns associated with PIK.

My bill adds language to the Tax Code which would allow farmers to consider their payments of agricultural commodities as taxable in the year received or taxable in the year that the commodity is sold. The farmer would have the choice of owing taxes in the year that he actually sold the crop or, effectively, when he sold the animals to which he might have fed the grain.

This is crucial because most farmers pay their taxes in cash, and without

such a provision they might face the prospect of owing taxes for 2 years of income in 1 year and little income in another. However, the farmers would still have their expenses spread over 2 years, which would have a negative effect on their taxes.

This bill enables farmers to treat the PIK commodity received in the same fashion as if the farmers had grown it themselves. Also, the bill specifically provides that grain made available for use through the forgiveness of any Conservation Credit Corporation loans shall be treated in the same manner.

In addition, my bill would allow farmers to participate in PIK without jeopardizing their ability to value their land on the basis of its agricultural worth. Farmers must be able to do this if they are to be able to pass their land from one generation to another.

Section II of my bill would preserve PIK participants' access to the special use provisions of 2032A, which defines the procedure for declaring farm use and value.

Section II provides that participation in the PIK program will not adversely affect a farmer or his family in the use of special valuation provisions of the law. It makes clear that farmland in the program meets the criteria of estate tax law and the requirements of material participation are not adversely affected if a farmer participates in PIK.

In closing, I would state that prospective PIK participants do not want to avoid paying their taxes; they just want to have some idea how those taxes will be assessed before they register for this new program.

This new legislation will assist farmers in determining how, and when, PIK participants will pay their taxes.

I hope that this bill can be enacted with the greatest possible speed.●

#### FAIRNESS IN THE TAXATION OF PUBLIC PENSIONS

##### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. FRANK. Mr. Speaker, today I am reintroducing legislation which I believe will bring fairness to the tax treatment of public pensions.

Under present law, social security retirement benefits are excluded from Federal income tax. However, many public employees receive pensions in lieu of social security which are fully taxable. What makes this so unfair is that these governmental pensioners had no choice as to whether their employers participated under social security or established a separate Government pension system to replace social security. It is simply inequitable to tax

a public school teacher's pension, for example, maintained for him or her with no choice, when the social security benefits of a private school teacher go untaxed.

I have filed legislation, therefore, which would put public pensions on an equal footing with social security retirement benefits with respect to Federal income taxation. Under my bill, gross income would not include any amount received from a governmental pension up to the maximum social security retirement benefit for an individual, as certified by the Secretary of Health and Human Services.

Mr. Speaker, I hope Members will support this legislation in order to bring greater fairness to the Tax Code.●

#### INTRODUCTION OF HOUSE CONCURRENT RESOLUTION 46

##### HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. LENT. Mr. Speaker, I rise today to introduce House Concurrent Resolution 46 with my colleagues, Congressmen BROYHILL, MADIGAN, and O'BRIEN.

This resolution expresses the sense of the Congress that studies should be undertaken immediately by railroad labor and management addressing the underfinanced railroad retirement and unemployment insurance programs.

House Concurrent Resolution 46 calls for a report to be submitted by the parties, either jointly or separately, by March 30 of this year. The severity of the funding crisis facing the retirement and unemployment insurance programs requires a March deadline for the report. These recommendations will provide guidance to Congress in assessing better ways to finance the retirement and unemployment insurance programs.

In 1981, changes were made to the railroad retirement system to meet a critical shortfall in revenues. These changes were designed to address the underlying structural problems of the system and insure its long-term solvency. However, the changes were based on an assumption that employment levels would never fall below 500,000.

Today, the railroad retirement system still faces serious financial problems. Employment stood at 404,000 in December 1982. The continued decline in employment in the rail industry has proven the payroll tax inadequate as a means of financing the present system. The chief actuary of the Railroad Retirement Board has determined that in order to avoid a cutback in benefits in October of this year, taxes must be increased by July.



To assure full payment of benefits through 1992, taxes must be increased by 9.4 percent in October. Each 1 percent is equivalent to roughly \$100 million.

The resolution also addresses the railroad unemployment insurance program. The railroad unemployment insurance program is presently underfinanced by half a billion dollars. This amount is borrowed from the retirement account. This indebtedness exists despite the fact that unemployment benefits are only \$25 a day, a level which has not increased since 1975. These benefits are considerably lower than those available under State unemployment laws.

It is increasingly evident that another means of financing other than an increase in payroll taxes must be explored. Experience has shown us that quick fixes have not worked and the system is in need of a long-term and comprehensive solution.

I am hopeful that the parties will explore financing alternatives which will both avert a funding crisis in October and provide benefit assurance to those covered by the programs.

A copy of House Concurrent Resolution 46 follows:

#### H. CON. RES. 46

Concurrent resolution expressing the sense of the Congress that studies should be undertaken immediately into methods of adequately financing the railroad retirement and railroad unemployment systems

Whereas the railroad retirement system has within the last 10 years frequently faced an inadequate level of revenues to pay annuities and benefits;

Whereas payroll taxes finance the railroad retirement and railroad unemployment system;

Whereas a continuing decline in railroad employment has added more beneficiaries to the railroad retirement and railroad unemployment systems but resulted in less revenue to finance those systems;

Whereas even with the tax increases enacted in 1981, the railroad retirement program will face an inability to pay benefits and annuities as early as November;

Whereas the railroad unemployment insurance system is indebted to the railroad retirement system for half a billion dollars;

Whereas the continuing decline in railroad employment impairs the ability of payroll taxes to finance the railroad retirement program;

Whereas it is important that the railroad industry be able to compete in the field of transportation; and

Whereas the fundamental goal of any revision of the railroad retirement and unemployment systems is to provide benefit assurance: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Railroad Retirement Board and representatives of railroad employees and carriers should jointly or separately explore various methods of financing the railroad retirement and railroad unemployment systems, including a ton-mile tax, and by March 30, 1983, should, jointly or separately, submit a report to the Congress describing the various methods studied and discussing the merits of each.●*

## EXTENSIONS OF REMARKS

HON. RICHARD S. SCHWEIKER

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. CORCORAN. Mr. Speaker, though the organizational meeting of the Energy and Commerce Committee has prevented me from personally participating in this occasion to speak of Dick Schweiker's service as Secretary of Health and Human Services, I join my colleagues in recognizing Dick's contributions in that position over the past 2 years. As a member of the Commerce Committee since 1978, I have had the privilege of working with him on health legislation in his capacities as Senator from Pennsylvania and as Secretary.

Two of Dick's chief goals—increasing competition in the health care industry to the benefit of consumers and preventing illness and disease to further avert consumers and preventing illness and disease to further avert consumer and taxpayer costs—have also headed my priority list in this important area of public policy. In the other body, Dick was the sponsor of a so-called health care competition bill similar to legislation which I am again cosponsoring in the 98th Congress. Enactment of the entire proposal would effect dramatic changes in today's system, ranging from the creation of universal catastrophic illness insurance to increased availability of health insurance options emphasizing market incentives and disciplines. I say with some degree of immodesty that the competition proposal is so broad in scope and impact that support of it is not for the timid, and Dick Schweiker has shown his courageous commitment to the public interest by his sponsorship while a Senator and continuation of his procompetition efforts as Secretary in many instances. I commend the bill sponsored by my colleague from across the aisle, Dick GEPHARDT, to the attention of all Members.

I trust that we and the administration will take up where my friend and neighbor has begun to improve the health care system for the benefit of all Americans. That Dick has again voluntarily left one of the highest positions in our Government is both a confirmation of his good intentions in his activities as Secretary and a stroke of good luck for those of us remaining who will likely benefit from his advice and counsel in the years ahead.●

## FAIR TAX SYSTEM

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. DASCHLE. Mr. Speaker, the January 1983 issue of *People & Taxes* contains one of the briefest, yet most cogent, analyses of the tax equity situation yet to come to my attention. In this piece, our colleague from North Dakota, BYRON DORGAN, has pinpointed the key issues facing us in trying to wrestle with the proper way to bring about what has to be one of our prime congressional mandates, the necessity of formulating a fair, equitable taxation system that will prepare the way for a true, long-lasting economic recovery.

I am inserting the full text of this article, and urge my colleagues to review Congressman DORGAN's telling perceptions.

[From *People & Taxes*, January 1983]

"IN SEARCH OF EXCELLENCE" AND FAIR TAXES  
(By Byron Dorgan)

Every person in Washington who has a hand in tax and economic policy should be locked in a room and required to read a new book entitled "In Search of Excellence."

The authors, Thomas J. Peters and Robert H. Waterman, travelled all over the United States trying to find the answer to a simple question—What makes the best companies in America tick?

Their answers suggest that most of the experts here in Washington who are concocting the cures for our economic problems have been barking up the wrong trees.

Most of what we call "economics" is just the painting of word-pictures, or metaphors, that purport to explain the economic realm. For the past two years, a metaphor called "supply side" economics has been the basis of our tax and economic policies.

This way of thinking portrays the corporations of this country as a seething mass of potential productivity that is bound and tied by taxes and government regulation. Cut those taxes, unloose those bonds, and this frustrated Goliath will surge forward, creating jobs and prosperity for all, or so these "supply siders" say.

Let's acknowledge right off that taxes are too high, and there is too much government of the wrong kind.

But it's one thing to say that, and quite another to say, as the supply siders do, that all our economic problems arise from this source.

Peters and Waterman found that there is much more to it than that. Many American companies such as Dana and Digital Equipment, Proctor and Gamble and IBM have grown and prospered despite taxes, despite regulations, even despite the Japanese. What separates them from other companies that have floundered?

Good management.

Instead of sitting around making alibis and excuses, the successful companies have run their businesses well. They have kept their management bureaucracies to a minimum. They keep their work units small. They give their employees lots of leeway to experiment and make mistakes. They stay

close to their customers. They "stick to their knitting" instead of hiring hot-shot MBAs to plot takeover raids on other companies.

What about the less successful companies? Their main problem, it appears, is not government. It is that in many cases they themselves have become so much like government. They tend to be sluggish, top-heavy bureaucracies that keep slogging forward on the weight of their own momentum, all the while blaming their problems upon everyone else.

Ford, for example, has more than three times as many layers of middle-management bureaucracy as does Toyota. This probably explains the company's problems at least as much as anything government is or is not doing.

Trying to "stimulate" such management bureaucracies with new tax gimmicks—as the supply siders advocate—is like trying to turn a Hippopotamus into a world class sprinter with a vitamin E tablet and a rub-down.

Some top executives are absolutely adamant on this point. "I am opposed," said one, "to the idea that less government, fewer regulations, capital formation incentives, and renewed research and development activity are what we need most to improve our productivity."

That may sound like some radic-lib politician. In fact, it was Rene McPherson, the man who built the Dana Corporation into the second most profitable company on the Fortune 500 list.

Yes, we need tax cuts. And yes, we should get rid of regulations we don't need. But these steps alone are not going to solve our economic problems.

Why do so many people in Washington refuse to see the obvious? Why are they so obsessed with the notion that we can solve any economic problem under the sun with some new gimmick in the tax laws?

Partly, I think, it is occupational tunnel vision. People tend to see the solutions to problems in terms of what they themselves do. Lawyers read about a plane crash and immediately start thinking about lawsuits. Drug company executives see emotional distress as a potential market for a new mood drug.

In like manner, members of Congress see an economic problem and start thinking about new tax loopholes. It's not the only thing we could think about. But it's one of the most painless.

To be sure, we get a lot of encouragement in this regard.

Washington is teeming with trade associations and loophole hucksters who are paid handsomely to make us think that doing something for their clients really means doing something for the country.

Washington's preoccupation with tax loophole "stimulus" is one of the reasons we have made so little progress in solving our economic problems. We've been spending our time on ersatz solutions.

It's not just the way our major corporations are managed that prevents supply side tax "stimulus" from having its intended effect. The problem goes right down to the basic premises of supply side economics itself. The supply side metaphor is potent politics. Who doesn't want tax cuts? Who doesn't want to think that the road to growth and prosperity is paved with candy?

But is it anything more than politics?

Underneath the supply side metaphor is a whole series of premises. That people work for monetary reward and nothing else. That

taxes have been cutting into these monetary rewards to such a degree, that Americans all over our great land have been loafing on the job. That taxes are the only expenses that have been eroding paychecks in this way. That nothing else in the world of work has been diminishing people's enthusiasm and productivity. That, consequently, tax cuts will result in a surge of inspiration and endeavor from the assembly line to the executive suite.

And on and on.

These assumptions are so deliberately naive, so politically self-serving, that it would take an article longer than this one to begin to do them justice.

Suffice it to say here, that "In Search of Excellence" has some things to say that ought to give the supply siders pause.

The authors of the study deal with the question of incentives. They found that the most successful companies stress incentives that are—note this—not monetary ones.

For example, they compared the successful and unsuccessful divisions of one corporation and found that in the unsuccessful divisions, employees were concerned mainly about compensation plans. At the more productive divisions, by contrast, employees stressed teamwork and high work standards.

Of course money is important. Of course people are interested in financial reward. But there is more to people—and work—than that.

By making this point, "In Search of Excellence" provides a clue as to why the supply side cure-all has failed. It is lemon economics because it is sophomoric psychology. It doesn't work because it fails to recognize all the reasons that people work. It tries to make music out of one string of the harp.

And it fails even to consider what makes a business organization work well.

It is important that we give the supply siders their due. They did raise the right issue. They did get us thinking about how wealth is created. They talked about fostering initiative and enterprise instead of just sitting back in Washington, taxing enterprise, and distributing the goodies.

In short, they raised the questions the prevailing powers had neglected for far too long.

It wasn't their issue that was wrong. It is their answer. Their basic problem, I think, is that they confuse ideology with economics.

Supply siders do not like government or taxes. That's a perfectly defensible view. It's in line with a very important strand—the Jeffersonian strand—of our political tradition. I have leanings that way myself.

But then the supply siders took an enormous leap. They assumed that just because they do not like government or taxes, to cut these away would itself bring economic well-being. They mistook their preferences for a real economic prescription.

If the last two years have taught us anything, they have demonstrated that what we like and what we need are not necessarily the same thing.

Where does all this leave us?

Let me confine myself here to taxes.

Not so long ago, when Congress talked about taxes, it talked about justice. It talked about spreading out the tax burden so that it would be fair.

This approach was not the brain child of some long-haired radical. It was Adam Smith, the father of free-market economics, who wrote in "The Wealth of Nations" that people "ought to contribute towards the support of the government as nearly as pos-

sible in proportion to their respective abilities."

In a true free-market economy, the aim of tax policy would be justice. Government would not try to use the tax laws to engineer or manipulate individual economic behavior, or to favor one group over another.

There was only one problem with this Adam Smith approach. It made it very, very difficult for the favored few to come to Congress and justify their favored loopholes. Justice was a tax standard that was not convenient at all.

Thus they changed the debate. They set up think tanks and hired lobbyists to get everyone talking about "tax incentives." That was an issue on which they could make some headway.

"Supply side economics" is merely the culmination of this change-the-debate tactic. It's a political agenda dressed up as economics. But it's really nothing new. It's the same song that Presidents Coolidge and Hoover sang while they were cutting taxes for the rich and powerful and promising economic nirvana.

The only things the supply siders have added are algebraic equations and a more modish demeanor.

The Coolidge-Hoover version led us into the Great Depression, and the rerun of the last two years has us headed in a distressingly similar direction.

"In Search of Excellence" suggests to us that we are not going to loophole our way to economic well-being. It's time to change course. We need simplicity and fairness. We should shut down the special interest feedlot, simplify the laws, and cut the rates way down.

Then we should move on to the real economic issues that the obsession with tax loopholes has been obscuring. ●

## CONGRATULATIONS TO GARY GAUSE, METROBUS CHAMPION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, not many of us can say that we are among the top 10 best in the country in our occupations—and have a certificate to prove it. However, I recently met a man who can claim just that.

His name is Gary Gause, and he placed 10th in a field of 58 of America's very best drivers in the International Bus Rodeo sponsored by the American Public Transit Association.

The rodeo was designed to be a competitive test and measure of a bus driver's skill behind the wheel, his knowledge of safety regulations, and his familiarity with his equipment. The competition was tough. Mr. Gause had to compete against—and beat—the best drivers at the local and State levels before he earned the right to compete against the other regional winners. Placing in the top 10 in such a field is a great accomplishment.

Gary Gause works for Metrobus, which is part of the Dade County



Transportation Administration, and we citizens are very lucky to have him and his colleagues working for us. Public transportation is a vital service that will become increasingly important in the years ahead. We need to attract—and keep—skillful, dependable operators like Gary Gause. I want to personally congratulate him on his success and wish him all the best in the future.●

#### WITHHOLDING WILL ELIMINATE SMALL CREDIT UNIONS

**HON. NORMAN E. D'AMOURS**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. D'AMOURS. Mr. Speaker, I would like to share with my colleagues a letter I recently received from the Equity Employees Credit Union of Oxford, N.H., on the effect that interest and dividend withholding will have on the Equity Employees Credit Union, its 59 members and their families.

The Equity Employees Credit Union will have to close its doors unless interest and dividend withholding is repealed. This small credit union, which has no clerical staff and no paid personnel, cannot afford the extra paperwork and expense that withholding will generate.

The Treasury claims that financial institutions will be able to recover the added costs that withholding imposes on them by being able to hold on to these funds for 30 days before turning them over to the Treasury—the so-called 30-day float. The Equity Employees Credit Union convincingly proves the fallacy of this claim by noting that they will only earn 60 cents a month from the float, barely enough to pay their postage costs, let alone their administrative costs.

Mr. Speaker, the Equity Employees Credit Union is not alone in its predicament. There are over 20,000 credit unions across the Nation representing nearly 50 million consumers and the vast bulk of these institutions are very small. Like Equity, and many small banks and thrift institutions across the United States, they may have to close their doors unless withholding is repealed.

The text of the letter from the Equity Employees Credit Union follows. Members who wish to join the over 190 House Members who have cosponsored my interest and dividend withholding repeal bill, H.R. 500, may call my office at 5-5456.

#### EQUITY EMPLOYEES CREDIT UNION

OF EQUITY PUBLISHING CORP.,

Oxford, N.H., January 25, 1983.

Hon. NORMAN D'AMOURS,  
Rayburn House Office Building,  
Washington, D.C.

DEAR CONGRESSMAN D'AMOURS: In response to the request for our support to your battle against the Withholding provision of the new tax law, I must say, and this is the feeling of the entire Board of Directors of our Credit Union, perhaps the smallest in the State of New Hampshire, that we will probably be out of business if we have to implement them.

Right now we have 59 members, with shares balances of somewhat over \$18,000.00 and loans for a total of around \$18,000.00. We do not have clerical staff or any paid personnel. Our accounting is carried on a voluntary basis by the accounting department—one person—of our sponsoring institution, which also provides us with locale, space, stationery, and all the necessities of our daily operation. Our Board Directors and our Credit and Supervisory Committee are part of the staff of a publishing house with expertise in all the details of that field and very little, if any, in accounting. If we have to assume the additional responsibilities which the withholding on dividends involves, we may as well fold over.

Moreover, the float benefit would not solve any of our future problems: During the economic year 1981—a good one for us—Equity Employees Credit Union paid a total of \$1,730 in dividends to our shareholders. 10% of that amount would come to \$173, which invested at the best rate available for such amount—14% per year in loans to our own members—would yield, in 30 days, the impressive sum of \$2.02. That would not pay for 15 minutes of an accountant every quarter.

Our estimation for 1983, due to large withdrawals from our members, will be a total of \$1,000 paid out in dividends. In this crucial year, beginning in July we would have to spend real money in forms, report slips and the rest, in order to withhold 10% to \$500, that is \$50.00 in total. The 30-day float to invest that money would yield less than sixty cents. Those \$0.60 would alleviate in a very microscopic rate the cost of our accounting and paper work, and really, our contribution will not offset even the cost of administration thereof, much less the national budgetary deficit.

I do not doubt that there are many in our case, and on each range the problem is the same, only augmented in magnitude.

With our best wishes for the battle in our behalf, I remain,

Sincerely yours,

Dr. ENRIQUE H. MIYARES, Jr.,  
Secretary-Treasurer.●

#### LEGISLATION TO ENCOURAGE PREPAYMENT OF RESIDENTIAL MORTGAGES

**HON. BARNEY FRANK**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. FRANK. Mr. Speaker, today I am reintroducing legislation I originally filed in the last Congress which I believe would be of great benefit to financial institutions and consumers.

Under the Internal Revenue Code, if a financial institution holding a low-yielding mortgage on a residence offers a consumer a discount if the mortgage is prepaid, the discount is taxable as normal income. Clearly, such an action by a financial institution may have important consequences in allowing it to reduce its portfolio of old, low-yielding mortgages. We should not forget that it was only several years ago that mortgage interest rates were in the single-digit range and indeed, many banks still have mortgages on their books at only half the current rates.

On the other hand, many homeowners would like to have the option of trading in their low-rate mortgages (or a part of a mortgage) in exchange for a discount, for their own financial purposes. Unfortunately, however, the fact that the discount is treated as taxable income discourages such a transaction and, in fact, the response to such offers by financial institutions has not been good as a result.

Therefore, we are faced with a situation in which both financial institutions and consumers would benefit by encouraging prepayment of mortgages. A key to encouraging such transactions, in my view, is to provide that such discounts are not taxable. Since prepayments are now so rare, there is not likely to be any significant Federal revenue loss from such a provision. In fact, to the extent that financial institutions can reduce low-yielding mortgages and thereby improve their profitability, Federal revenues may even be enhanced as a result.

Mr. Speaker, in addition to the advantages to consumers and financial institutions, encouraging the prepayment of mortgages will provide a fresh source of funds for new mortgages. While mortgage rates have at least temporarily decreased from their recent record levels, we must continually be looking for new sources of mortgage money in order help keep these rates from rising yet again.

Mr. Speaker, I am hopeful that our colleagues will strongly support this legislation.●

#### TRIBUTE TO SECRETARY OF HEALTH AND HUMAN SERVICES RICHARD S. SCHWEIKER

**HON. JAMES T. BROYHILL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. BROYHILL. Mr. Speaker, I would like to take this opportunity to join my colleagues today as we honor Secretary of Health and Human Services Richard Schweiker. On February 4, 1983, Secretary Schweiker leaves his cabinet post to join the private sector.

I would like to express my sincere admiration and gratitude for the excellent stewardship that Secretary Schweiker has contributed for the past 2 years as the head of this very important department. With firm guidance and well-founded advocacy, he has served the administration and Nation well.

Secretary Schweiker has a long record of service to our Nation. His productive years in Washington as a U.S. Senator and as Secretary of one of the most important Federal agencies are proof of his dedication to public service.

Although the Secretary can be given credit for accomplishing many tasks during his tenure in the Department of Health and Human Services, I would like to point out a few joint efforts which I believe offer credence to my analysis of the Secretary's outstanding performance.

During the 97th Congress, successful action was taken to slow the growth of the entitlement programs without needlessly hurting program beneficiaries.

Following the Department's lead, the Congress turned over control of many worthy health programs to the States. We came extremely close to obtaining resolutions on many other matters, such as health planning and other health care incentive reform packages. Because of the groundwork which the Secretary laid on these issues, sensible resolution now appears more attainable.

I know my colleagues join me in congratulating the Secretary and wishing him the very best in his future endeavors in the private sector. We will miss his guidance and reliability.●

HON. RICHARD S. SCHWEIKER

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 1983

● Mr. SCHULZE. Mr. Speaker, Dick Schweiker is leaving the Government. As one of the most able and dedicated public servants we have, it is a national loss. Yet, I wish him well in his new endeavors as he returns to the private sector where he began his career before entering Government service 22 years ago.

In 1961 Dick became a Member of our own august House of Representatives where he served for five terms representing the people of the 13th District of Pennsylvania, which is now ably served by LARRY COUGHLIN, whom I wish to commend for taking the time for this special order. After serving in the House for those 10 years, Dick challenged the Democratic Senate incumbent, Joe Clark, whom he defeated in 1968 to begin his tenure in the U.S.

Senate. Six years later he was reelected in a landslide victory, winning by 250,000 votes.

As the ranking member on both the Senate Labor and Human Resources Committee and the Subcommittee on Labor, Health, Human Services and Education of the Senate Appropriations Committee, Dick came to understand and appreciate first-hand the benefits and cost of those programs which he would later oversee as Secretary of Health and Human Services. There are those who wondered at the time of Dick's nomination for that Cabinet position about his views concerning these high-cost Government policies. But as early as 1976, Dick asked in a newsletter to his constituents "whether a program that may be good is really vital. Clearly the time has come when the taxpayers can no longer afford to fund every seemingly useful program that comes down the street." That attitude, coupled with his previous first-hand experience on the authorizing and appropriating committees responsible for the plethora of Federal health programs, uniquely qualified him for his appointment to the largest of all our Federal departments. With a budget approaching \$300 billion, the Department of Health and Human Services touches the lives of millions of Americans. And Dick was sensitive to that fact. Time and time again, he fought those who wished to indiscriminately cut the budget of HHS, regardless of the human consequences which might result.

Before becoming involved in Government, Dick served as the vice president of the family business, American Olean Tile Co. In 1976 he received a phone call from then-candidate Ronald Reagan wondering whether he would be willing to take another vice presidential job, this time as Vice President of the United States. Ronald Reagan did not win the nomination that year, and so Dick did not get the job. But he did form a relationship that later led to his appointment as a member of President Reagan's Cabinet in 1981.

The principles which Dick Schweiker brought with him to Washington are the product of his heritage. A descendent of early Pennsylvania settlers, and a member of the Central Schwenkfelder Church, Dick has long taken strong stands on difficult moral and social issues, such as opposition to abortion on demand. And Dick is a family man; he and his wife, the former Claire Coleman, have reared and educated five fine children, ages 13 through 25.

As I noted, Dick is a Pennsylvanian through and through. Born in Norristown, he later graduated Phi Beta

Kappa from Penn State. I am sure that Dick was as pleased as my wife Nancy, herself a Penn State graduate, when Penn State defeated Georgia in the Sugar Bowl this past New Year's Day to become, officially, the No. 1 football team in the Nation for the first time in the university's history. The affection and respect that Dick has for his alma mater was shown to be reciprocal when in 1970 the school awarded him the distinguished alumni award.

Dick now leaves his post at HHS to direct the American Council of Life Insurance, where he will employ his administrative talents in one of this country's fastest growing industries. His skills will be sorely missed at Health and Human Services, but I hope and suspect that he will choose to serve his country again in a time of need in the future. In the meantime, I wish him and his family health and happiness. Thank you Dick.●

TRIBUTE TO NEW MILFORD, N.J.  
FIREFIGHTER: WILLIAM ENTWISTLE

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. TORRICELLI. Mr. Speaker, I rise to pay tribute to William Entwistle of New Milford, N.J., a brave young volunteer firefighter who recently died in service to his community.

On January 18, 1983, Bill and four other firefighters entered the burning New Milford Borough Hall and tried to save this vital town building by ventilating the smoke and gas caused by the fire. As Bill was on his way to cut a hole in the roof of the Borough Hall, the stairwell burst into flames and Bill was killed.

Bill, only 22 years old, was a 1979 graduate of New Milford High School and an employee of the New Milford Department of Public Works. As a volunteer firefighter since 1979, Bill was a shining example of the true spirit of community service. In the end, he made the supreme sacrifice for his town.

As a tribute to William Entwistle's selfless dedication to his community, when the New Milford Municipal Center is rebuilt, a wing will be named after him. New Milford was blessed to have as rare an individual as Bill Entwistle among its residents. He will be sorely missed by his family, his fellow firefighters, his community, and all who knew him as long as they live.●



## FUTURE HOMEMAKERS OF AMERICA

## HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. NATCHER. Mr. Speaker, "An Investment in Youth" is the theme of this year's National Future Homemakers of America Week which will be celebrated February 6-12 as part of Vocational Education Week. Future Homemakers of America (FHA) is a national vocational student organization that develops leadership and decisionmaking skills through projects related to family life concerns, community involvement and personal growth. The purpose of this celebration is to show how vocational education and Future Homemakers of America prepare students for the future.

There are now 12,500 Future Homemakers of America chapters throughout the United States with 395,000 members—young men and women in home economics and home economics related classes through grade 12. FHA chapters emphasize consumer education, homemaking, and family life education combined with exploration of jobs and careers. HERO (home economics related occupations) chapters emphasize preparation for jobs and careers.

The fourth summer exchange program between FHA/HERO members and Future Homemakers of Japan members, introduction of the families and futures project, expansion of the student body peer project focusing on teen fitness, and the first year of the National Headquarters and Leadership Center building campaign are highlights of activities on the national level during 1982.

Chapters plan their own indepth projects and activities based on the needs of each chapter and community as well as individual members. The 42 chapters—2,089 members—in the Second Congressional District of Kentucky, which I have the privilege to represent, have been involved with numerous projects. These include helping the elderly, promoting safety for children and safety in the home, conducting programs on alcohol and drug abuse, working on the student body peer program, sponsoring career choices programs, and promoting energy conservation. In addition, I am proud of the chapters in the Second District of Kentucky for collecting more money for the Arthritis Foundation than any other organization and for being involved in community projects such as the March of Dimes, UNICEF, Heart Fund, Bloodmobile and Cystic Fibrosis.

It is a privilege to have been selected as an honorary member of Future Homemakers of America and I want to

commend these young men and women for their efforts during this past year and wish them success in all their future endeavors.●

## CAREFUL CONSIDERATION OF SOCIAL SECURITY LEGISLATION ESSENTIAL

## HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. YOUNG of Florida. Mr. Speaker, this morning I had the opportunity to testify before the Social Security Subcommittee to discuss the serious financial problems facing the social security system and the National Commission on Social Security Reform's recommendations to alleviate these problems.

Immediately after the National Commission released its recommendations, I organized a series of public hearings in Pinellas County where more than 230,000 residents receive a social security check each month. On January 28 and 29, I held three public hearings which were the first of their kind in our Nation. The information I gathered from the people who attended my hearings, the responses to a poll I took during each hearing, and the calls and letters I have received on the subject were all an important part of my presentation this morning.

The statement which I presented follows:

## TESTIMONY BY CONGRESSMAN C. W. BILL YOUNG

Mr. Chairman, thank you for allowing me to come before your subcommittee this morning to discuss the serious financial needs of the social security system and the remedies that have been suggested by President Reagan's National Commission on Social Security Reform. I want to commend you and the Chairman of the Ways and Means Committee for expediting the consideration of social security legislation because I believe this issue, which affects all Americans, will be one of the most important issues Congress considers this year.

There is no question as to the need for legislation to be enacted early in this session because the social security system faces severe funding problems in the coming months. The National Commission on Social Security Reform agreed that in the remainder of this decade, the system faces a deficit of between \$150 to \$200 billion. More alarming, however, is the Social Security Administration's warnings that unless action is taken soon, the social security trust funds will be depleted sometime this summer.

This grave financial problem should not come as a surprise to the members of Congress who have been warned repeatedly of the approaching day of reckoning for the social security system. Just as our overall federal budget has fallen into disarray as a result of continued deficit spending, the social security system since 1975 has been paying out more in benefits than revenues it has collected. The cruel inflationary pressures of the 1970s, rising unemployment

rates of this decade, and the changing age-mix of our nation's population have been major contributors to this problem.

Just as the financial problems of the federal budget parallel the problems of the social security system, both are greatly dependant on strong economic recovery to ensure financial solvency. In addition, the financial integrity of the social security system, and its \$200 billion a year in benefit payments, is an integral part of our nation's economy.

The most equitable solution to the system's funding problems is one I have advocated for many years. It is simply to once and for all place our nation's economic house in order. The sorry state of the social security trust funds—and for that matter all federal retirement programs—is directly related to our nation's financial problems. Mainly responsible for our current state of affairs is the spend-free federal government, which has refused for too long now to approach the federal budget in a responsible manner. As a result, the financial problems we have incurred over the past few decades will take time to straighten out.

In the meantime, the social security system faces an immediate funding problem. President Reagan appointed in September 1981 a commission to study this problem and to recommend solutions. The National Commission on Social Security Reform is to be commended for its long hours of work and deliberation which proved successful in reaching a consensus package of recommendations for solving the system's short- and long-term financing problems. Based on its recommendations, the commission would distribute the burden of saving the system equally among all Americans. No one group is singled out to carry a disproportionate share of the cost.

In evaluating the commission's recommendations, I have used two criteria which must be met before I can support the commission's package. The first is—will it work and solve the system's serious financial problems? The second is—is it fair?

Based on hearings I held and letters I have received, I believe the commission's proposal is fair because all Americans share the burden imposed by these recommendations. However, it has not been proven to me that this proposal will work by providing the savings necessary to ensure the financial solvency of the system.

Two weeks ago, I sponsored three public hearings in Pinellas County, Florida that were attended by more than 1,000 people. Bob Myers, the national commission's executive director, was kind enough to travel with me to Florida to help explain the commission's recommendations at the hearings.

There was no better place in our country to hold these hearings, which were the first of their kind in the nation. With more than 230,000 county residents receiving social security checks each month totaling more than \$1 billion a year, no county will be more affected by this year's social security debate.

In addition to receiving testimony from more than 100 people, I also polled those who attended the hearings to better gauge their feelings. From the results of the testimony and the questionnaires that were returned, it appears that almost everyone dislikes one section or another of the commission's report, but that most people, whether they are workers or self-employed paying into the system or retirees receiving benefits, are willing to make a personal sacrifice if it will ensure the solvency of the system.

Therefore, I believe that the commission's recommendations are as fair as the present dilemma will permit and spread the burden among all groups.

Throughout the hearings, Mr. Myers and I stressed that the commission's recommendations in no way reduce the benefits of the people currently receiving social security checks.

It is interesting to note, however, that almost 60 percent of the people I polled, the majority of whom currently receive social security benefits, are willing to take a six-month delay in their cost of living payments. This is further proof that our nation's older Americans who built this country are willing to forego a portion of their earnings if it will guarantee the stability of the social security system.

A major concern about the commission's recommendation expressed by a large number of people was its proposal to bring all new federal employees into the system. While I understand that your committee does not have jurisdiction over the civil service retirement plan, it is important that reassurance be given all current federal workers and retirees that this provision will not adversely affect their retirement program.

Another commission recommendation I would like to briefly comment upon concerns removing social security from the unified budget. I strongly support this recommendation. The trust funds should never have been placed under the unified budget in the first place. The social security system operates independently from the general fund by collecting its own revenues and dispersing its own payments. Separation of the social security trust funds from the unified budget would alleviate the continuing fear of older Americans that the federal government is trying to balance the overall federal budget at the expense of the social security system.

My second criteria for evaluating the commission's package—will the recommendations indeed solve the social security trust fund's projected short falls throughout this decade and the next 75 years—remains unanswered and should be of great concern to my colleagues. This is where I believe, Mr. Chairman, your subcommittee and the actuaries of the Social Security Administration are responsible for assuring us that the commission's proposal will indeed be enough to sustain the program well into the next century. Each member of Congress must know for sure whether this package of recommendations is just another band-aid approach to tide the system over, or if it will indeed do all that is expected.

Mr. Myers and I discussed this question at length during my hearings, and neither of us is fully convinced that the package will provide enough revenues, especially during the middle of this decade, to prevent the trust fund ratios from again falling dangerously low.

Six years ago, Congress was in a similar situation with regard to the social security system. The trust funds were almost depleted and a major payroll tax increase was proposed to generate enough revenues to continue paying benefits. In preparing for today's hearing, I went back to the December 15, 1977 Congressional Record and reviewed the debate that preceded the vote to raise payroll taxes. It is interesting to note that the debate which surrounded that legislation is almost identical to the debate I have heard during the last few weeks regarding the commission's recommendations.

Also quite similar were the assurances that the passage of the legislation would ensure the long-term stability of the system.

During that debate six years ago, you, Mr. Chairman, assured us that, in your words:

"In passing this bill, we can say to the American people that we are putting social security on a sound financial basis for the next 25 to 50 years. Nothing can be more reassuring to the public than taking this strong action."

The distinguished Chairman of the Ways and Means Committee at that time, Mr. Ullman, also made assurances to us when he said:

"(This bill) puts us in a surplus posture in social security for the next 25 years."

Another distinguished former colleague of ours, Mr. Waggoner, who was appointed to the social security commission and supports its recommendations, was even more confident in the 1977 legislation. He said:

"It stabilizes the trust fund, because the actuary says the OASDI trust fund will be stabilized until the year 2030. The DI trust fund will be stabilized until the year 2007, and the combined trust fund will be stabilized until the year 2027."

Finally, President Carter, during the ceremonial signing of the 1977 social security act, assured all Americans that the system was on firm footing into the 21st century. His remarks were:

"Now this legislation will guarantee that from 1980 to the year 2030, the social security system will be sound."

It was only after assurances such as these that I voted for the 1977 legislation, and I might note, was one of only three Republicans to do so.

Six years later, I find myself in a position where I am again being asked to support social security legislation, which includes major payroll tax increases, that I am told will ensure the financial solvency of the system for 75 years. This time, the Congress owes the American people a more thorough evaluation of the commission's economic assumptions.

If we take time to examine the reports of the Social Security Board of Trustees for the past three years, it is apparent that the trustees's pessimistic economic assumptions have been a better predictor of the economy and have proven to be closer to actual economic performance than the more optimistic intermediate II-B assumptions.

In preparing its recommendations, the social security commission used economic assumptions somewhere between the intermediate II-B and pessimistic III figures to arrive at the estimated \$150 to \$200 billion shortfall. The commission's final package, it is estimated, will save the system \$168 billion.

Mr. Chairman, before finalizing the social security legislation this year, it is my hope that you and the members of your committee will examine closely the commission's recommendations based on the economic forecasts for the decade to ensure that enough savings are provided. If we err with this social security legislation, let us err by providing too much in additional trust fund reserves instead of providing too little.

By law, the Social Security Board of Trustees is to make available April 1, its report for 1983. I urge you to work with the trustees to expedite this process so the report and accompanying economic assumptions are ready within the next few weeks so that the members of Congress will have the information available to determine whether or not the commission's recommendations

will indeed solve the funding problems facing the social security trust funds.

The American people are rapidly losing faith in the social security system. The failure of the 1977 legislation to correct the system's funding problems had a major effect on those views. Recent public opinion surveys show that fewer and fewer workers now paying into the system believe they will ever collect benefits when they retire. And a major overriding concern of the people who attended my hearings, regardless of their opinion about the commission's recommendations, was that the social security system is going bankrupt and that their future benefits are in jeopardy. Passage of inadequate legislation this year will totally dissolve any confidence the American people have in the social security program.

We need to do a better job this year in preparing legislation which will once and for all solve the system's financial shortfalls. Based on the response from the people I represent, I am prepared to support the commission's recommendations because the burden of saving the system is being shared equally by all Americans. However, I must reserve a final commitment to this plan until your legislation is finalized and I can be firmly convinced that the legislation will work by providing adequate trust fund reserves to guarantee the integrity of the social security system for generations to come. What is at stake here is not only the soundness of the social security trust funds, but also the trust and confidence of the American people.

Thank you again, Mr. Chairman, for allowing me to come before your committee, and I anxiously await your legislative package and the forthcoming social security trustees report.●

STATE REPRESENTATIVE WILLIE LOGAN: COMMUNITY LEADER

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, when good things happen, they often do not receive the attention they deserve. This is unfortunate, because in spite of the recent problems in Miami and Dade County—especially the unfortunate recent disturbances following the tragic shooting death of Nevell Johnson—many good things are happening in our black community. Because they are happening quietly, they are not well publicized.

There is in our community young, aggressive leadership—men and women raised in our neighborhoods who have now grown to assume positions of responsibility. This is well demonstrated by State Representative Willie Logan.

It has been my privilege to know and work with Willie Logan these past several years. I have found him to be a highly motivated and intelligent public servant with a knack for getting things done.

In this regard, I wanted to share with my colleagues the following para-



graphs that are excerpted from an article written by Gloria Chase that appeared on the editorial page of the Miami Courier. They help to shed light on the unusual qualities and special character of this remarkable man:

**A COMMUNITY THAT REFUSES TO BE KEPT  
DOWN**

(By Gloria Chase)

A young boy, born and raised in Opa-Locka, grew up as a typical young black child. His mother, a young widow, was his sole support. Her strong faith in mankind, constantly rekindled by her active church life, gave her the courage to persevere and preach the importance of education and survival to her young son.

Eventually, the boy became a man. Financing his own way through school, he attended college and studied everything available so that he could one day help his own immediate community, and others like himself. He became president of the debating society in college, knowing this ability would be a vital part of his future chosen life.

State Representative Willie Logan is now making good. Leaders in North Dade quickly became aware of this young man, who at age 23 was already mayor of his community, and they recognized his driving need to help better his community.

Suggesting a plan which would help all the people of Opa-Locka and surrounding communities, Congressman Lehman inspired this young man to go to Tallahassee, then approach the Dade County Commission and, after a long, hard struggle, finally receive a contract from the county commissioners to help revitalize his community by leasing a long-unused area of land near the Opa-Locka Airport for industrialization and development.

Mr. Speaker, we need skillful leaders who have the knowledge and commitment to make our communities better places in which to live. As you can see from the above article, State Representative Willie Logan is such a leader.

**REAUTHORIZATION OF THE  
BELLE FOURCHE RECLAMA-  
TION PROJECT**

**HON. THOMAS A. DASCHLE**

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. DASCHLE. Mr. Speaker, I am today introducing legislation to reauthorize the Belle Fourche reclamation project as a unit of the Pick-Sloan Missouri River Basin program and to authorize the modernization and rehabilitation of this important project.

Located in Butte and Meade Counties, S. Dak., the Belle Fourche reclamation project was one of the first reclamation projects in the Nation constructed under the authority of the Reclamation Act of 1902. Constructed between 1904 and 1915, the project provides water for the irrigation of more than 57,000 acres in western South Dakota. A mainstay of the local and regional economies, the impor-

tance and value of the Belle Fourche project has been recognized for more than 70 years.

As one of the first projects to be constructed by the Bureau of Reclamation, then known as the Reclamation Service, the Belle Fourche project did not benefit from modern construction techniques and technological advances. Constructed early in the century, many of the features and structures of the project have served the expected useful life or have become obsolete. Consequently, as reliability of the project has decreased, operation and maintenance costs have increased.

The legislation which I am introducing today authorizes the rehabilitation and modernization of this important project. Restoring project reliability, reducing operation and maintenance costs, improving supply distribution, and conserving water are among the benefits of the rehabilitation program.

Additionally, the legislation I am introducing today reauthorizes the Belle Fourche reclamation project as a unit of the Pick-Sloan Missouri River Basin program. As a unit of the Pick-Sloan program, the Belle Fourche project will be accorded the same treatment provided for other projects under the program.

Finally, the legislation being introduced today will authorize the Bureau of Reclamation to market, with the concurrence of the State of South Dakota and the Belle Fourche irrigation district, surplus water from the project. Further, the Bureau is authorized to apply revenues resulting from the marketing of water surplus to the project to project rehabilitation and improvement costs.

Joining with me in the introduction of this legislation are the senior and junior Senators from South Dakota, Mr. PRESSLER and Mr. ABNOR. The South Dakota congressional delegation believes the reauthorization and rehabilitation of the Belle Fourche project is of the highest priority and we will work cooperatively to secure consideration by both Houses of Congress and the support of the administration for this legislation.

Mr. Speaker, I request the text of the legislation which I am introducing be printed in the RECORD at this point:

H.R. 1282

A bill to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the general plan for the Belle Fourche project, South Dakota, heretofore authorized for construction by the Secretary of the Interior, May 10, 1904, pursuant to the Reclamation Act of 1902 (32 Stat. 388), is modified to include construction, betterment of works, water conservation, recreation, and fish and wildlife conservation and development. As so modified, the general plan is reauthorized under the designation "Belle Fourche

unit" of the Pick-Sloan Missouri Basin program.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary"), is authorized to negotiate and execute an amendatory repayment contract with the Belle Fourche irrigation district covering all lands of the existing Belle Fourche project. This contract shall replace all existing contracts between the Belle Fourche irrigation district and the United States.

(b) The period of repayment of the construction and rehabilitation and betterment costs allocated to irrigation and assigned to be repaid by the irrigation water users shall be not more than forty years from and including the year in which such amendatory repayment contract is executed.

(c) During the period required to complete the rehabilitation and betterment program and other water conservation works, the rates of charge to land class in the unit shall continue to be as established in the November 29, 1949, repayment contract with the district, as subsequently amended and supplemented; thereafter, such rates of charge and assessable acreage shall be in accordance with the amortization capacity and classification of unit lands as then determined by the Secretary.

SEC. 3. (a) All miscellaneous net revenues of the Belle Fourche unit shall accrue to the United States and shall be applied against irrigation costs not assigned to be repaid by irrigation water users.

(b) Construction and rehabilitation and betterment costs of the Belle Fourche unit allocated to irrigation and not assigned to be repaid by the irrigation water users nor returned from miscellaneous net revenues of the unit shall be returnable from net revenues of the Pick-Sloan Missouri Basin program within fifty years from and including the year in which the amendatory contract authorized by this Act is executed.

SEC. 4. (a) The provision of lands, facilities, and project modifications which furnish recreation and fish and wildlife benefits in connection with the Belle Fourche unit shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended.

(b) The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital cost allocated to interest-bearing features shall be determined by the Secretary of the Treasury as the beginning of the fiscal year in which construction of said interest-bearing features is initiated, on the basis of the computed average interest payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 5. Appropriations heretofore or hereafter made for carrying on the functions of the Water and Power Resources Service shall be available for credits, expenses, charges, and costs provided by or incurred under this Act. The Secretary is authorized to make such rule and regulations as are necessary to carry out the provisions of this Act.

SEC. 6. The Secretary is authorized to amend existing contracts and enter into additional contracts as may be necessary to implement and facilitate any future agreement between the Belle Fourche Irrigation District and non-Federal entities involving the sale of Belle Fourche project water for use by such non-Federal interest for other than irrigation purposes: *Provided*, That the net proceeds from such transactions be-

tween the Secretary, the Belle Fourche Irrigation District, and such non-Federal interest shall be paid to the United States as reimbursement of the cost of the works authorized by this Act, that such transactions are not in violation of applicable State laws, and that such transactions shall be subject to the consent and conditions of the State of South Dakota to such water use by such non-Federal interest in accordance with the laws of South Dakota and the provisions of the Belle Fourche River Compact between the States of Wyoming and South Dakota to which the consent of Congress was given in the Act of February 26, 1944 (ch. 64, 58 Stat. 94).

SEC. 7. There is hereby authorized to be appropriated beginning October 1, 1983, for the rehabilitation and betterment of the irrigation facilities of the Belle Fourche unit and recreation and fish and wildlife measures as authorized by this Act, the sum of \$42,000,000 (based on January 1981 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction cost indexes applicable to the types of construction involved herein.

#### BOY SCOUTS OF AMERICA

#### HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. NATCHER. Mr. Speaker, it is a pleasure for me to join with the 4.4 million members of the Boy Scouts of America as they celebrate their 73d anniversary with a new national theme—"Catch the Scouting Spirit."

The Boy Scouts of America was incorporated on February 8, 1910, and was chartered by Congress in 1916. The chartered organizations are important to the success of Scouting and the emphasis in 1983 will be to recognize the chartered organizations throughout the Nation and encourage each Scouting unit to become involved in its organization's own program. The Scouting program has influenced three generations of Americans and chartered organizations are passing on to today's youth the Scouting value system that will carry them into adulthood.

Boy Scouts of America introduced a new program in 1982—Tiger Cubs—for a second grade boy and an adult member of his family. Tiger Cubs emphasizes fun, activity, and relationship building (between the boy and adult as well as among the Tiger Cub group). The program is built around 16 different themes, called big ideas, which include such topics as "Know Your Community," "Fitness and Sports," and "Preparation for Emergencies."

The Scouting programs continue to be active in my home State of Kentucky and their activities in 1982 included attending summer camp; completing renovation of the new service center with the dedication and Scout Jamboree held in November 1982; finalizing plans for the National Boy

Scout Museum at Murray State University; and starting the new Tiger Cubs program in September 1982.

I firmly believe that Scouting is a valuable experience and I always enjoy recalling the experiences and adventures that were mine as a Boy Scout. Scouting has something for everyone and each individual is valued for his contribution to his family, community, and country.

I want to commend the Boy Scouts of America for their achievements during 1982 and wish them every success in their future endeavors.

#### SAVING THE DELAWARE RIVER

#### HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. KOSTMAYER. Mr. Speaker, almost 6 years ago I introduced legislation, which the Congress enacted, designating nearly one-third of the Delaware River as part of the National Wild and Scenic Rivers System. Today, the river is again threatened. And once again I am introducing legislation to preserve it. H.R. 826 will designate a 21-mile segment of the Delaware River, running from Washington Crossing to Uhlerstown, Pa., as a component of the National Wild and Scenic Rivers System. This segment of the river, between New Jersey and Pennsylvania, is among the last remaining portions of the Delaware that may qualify as wild and scenic.

Since its enactment in 1968, the National Wild and Scenic Rivers System created under Public Law 90-542 has preserved those segments of free-flowing rivers which possess outstanding scenic, recreational, geological, fish and wildlife, historic, cultural, and other significant values. Mr. Speaker, I grew up along this portion of the Delaware and I still live there. For me and for thousands of others, there is no doubt that this segment qualifies for inclusion in the system. There are currently 87 segments in the system—61 in the continental United States, and 26 in Alaska.

As I said Mr. Speaker, H.R. 826 is an extension of legislation which I sponsored in the 95th Congress. On October 12, 1978, the Congress passed my legislation designating the middle and upper Delaware as wild and scenic. This was part of the omnibus National Parks and Recreation Act of 1978, Public Law 95-625. By so doing, Congress put a final halt to an unneeded project, the proposed Tocks Island Dam.

It is ironic, that so soon after my return, I must come before the Congress and ask that we act to preserve yet another threatened portion of the Delaware. This time the Delaware

River is threatened by a new project, the Point Pleasant Pumping Station. The construction of this project endangers the future of the river and the valley through which it flows. Because of the historic, scenic, and recreational importance of this segment of the Delaware River, it is appropriate that the Congress of the United States debate and then preserve the portion of the Delaware River contained in H.R. 826.

In order to better understand the justification of H.R. 826, we must examine the reasons for establishing the Wild and Scenic Rivers Act almost 15 years ago. Prior to the establishment of this act in 1968, there was rapid and often reckless development on America's rivers resulting from the construction of dams for electricity and other water needs. However, there was no national river conservation policy complementary to the established national policy of dam building and other construction on the rivers of the United States. There was then, and remains today, a strong feeling that certain segments of rivers should be preserved because their unique characteristics might be destroyed by irreversible development. After 6 years of debate, Congress passed the Wild and Scenic Rivers Act which established a national policy that certain selected rivers in the country, with outstanding values, shall be preserved in a free-flowing condition, and shall be protected for all time.

The provisions of the act allow for two methods by which rivers may become part of the system. An act of Congress can designate a river as part of the system, or a State may initiate action. In the latter case, the Secretary of the Interior can place a river in the system upon application from a State Governor.

Section 2(b) of the Wild and Scenic Rivers Act lays out criteria for inclusion of a river in the system. Generally, rivers included in the System must be free-flowing streams which have an outstandingly remarkable value—that is scenic, recreational, geologic, fish and wildlife, historical, cultural, or other. Rivers included in the National Wild and Scenic Rivers System are classified, designated, and administered as either wild, scenic, or recreational river areas.

In my opinion, the segment of the Delaware River included in H.R. 826 meets the necessary criteria for designation in the Wild and Scenic Rivers Act. It is free flowing, rural, and scenic, and possesses numerous outstanding values, including:

The site where George Washington crossed the Delaware River. There are now State parks on both the New Jersey and Pennsylvania banks of the river, with a museum and public parks.



The historic Pennsylvania Canal—a 57-mile waterway stretching from Easton, Pa., to Bristol, Pa.—which was a major 19th century commercial artery. The canal was built in the 1820's and was added to the Pennsylvania park system in 1972. The 21-mile segment of the Delaware River in H.R. 826 is immediately adjacent to the canal. The Pennsylvania Canal was designated a national historic landmark in 1976 and represents the only canal of its era which is still intact.

An outstanding habitat for several important species of fish. For example, the eddy formed at Point Pleasant provides an excellent spawning ground for the American Shad. Once a thriving fish in the Delaware River, the American Shad is now making a comeback after being severely depleted in the 1960's.

Significant Indian relics dating from before 2000 B.C. have been found along the banks of this 21-mile stretch of the Delaware River.

Recreation is a benefit offered by the Delaware River. Rafting, swimming, kayaking, tubing, and fishing all take place along this part of the Delaware. These activities are enhanced by the natural beauty of this area.

The villages along this 21-mile stretch of river have remained much as they were a century ago.

Given the close proximity of Trenton, Philadelphia, and New York City, it is amazing that this stretch of river has been preserved to the extent that it has up to this point. We must, however, act now to protect the Delaware River from quickly approaching development.

Finally, the town of Point Pleasant, Pa., has been determined eligible for consideration on the National Register of Historic Places. This village, and indeed the river itself, is endangered by the proposed pumping station at Point Pleasant. Preliminary clearing operations and other preconstruction activities have already begun.

H.R. 826 would preclude the diversion of water for the Point Pleasant Pumping Station. I, and I believe a majority of my constituents are, strongly opposed to this project for a number of reasons:

First, the citizens of Bucks County have not had the opportunity to decide whether they want what is in fact the largest public works project in county history. Coupled with a national debate on this project, there should be a corresponding debate at the local level. Despite our best efforts, the Bucks County Board of Commissioners has consistently refused to permit a referendum on the Point Pleasant Pumping Station.

Second, there is serious concern as to whether the entire 95 million gallons of water per day produced by the pumping stations, is actually needed. Over 50 percent of this will be used as

supplementary cooling water for the Limerick Nuclear Powerplant. However, this plant has not yet received an operating permit from the Nuclear Regulatory Commission. There is considerable question when and if this project will receive a permit. More importantly, there are alternative water sources closer to the nuclear plant that have not been evaluated adequately. We must also investigate other options for providing water to the residents of Bucks and Montgomery Counties.

Third, considerable uncertainty exists regarding the ultimate cost of the Point Pleasant project. Cost estimates vary widely from \$47.5 million to almost \$80 million for the entire Neshaminy water supply system with the Point Pleasant Pumping Station as the key component.

Fourth, removing 95 million gallons of water per day may affect the salinity levels in the Delaware River Basin. Any project which could impact on the quality of surface and ground water supplies of Philadelphia and surrounding communities should not be built.

Fifth, the Point Pleasant Pumping Station could have an adverse effect on the species of fish already mentioned.

Sixth, the construction of the Neshaminy water supply system will lead to extensive development in a primarily rural area. The water plan exceeds foreseeable demand, unless the real justification for the system entails increased housing and construction in central and upper Bucks. I am opposed to the desecration and development of an area consisting of hundreds of small family farms. We must preserve the rural nature and small farms that constitute central Bucks County.

H.R. 826 would specifically stop the operation of any existing water pumping facility and would prohibit future construction of pumping stations. Therefore, the Point Pleasant Pumping Station would be stopped under any scenario.

Furthermore, passage of this bill would insure future protection of this 21-mile segment of the Delaware River. The National Wild and Scenic River Act provides, under Federal law, that no department or agency of the United States may assist by loan, grant, license, or otherwise in the construction of any water resources project that would have direct and adverse effect on the values for which the river was designated. This places direct constraints on all Federal agencies including the Army Corps of Engineers and the Federal Energy Regulatory Commission.

National designation also offers protection to a river simply by requiring that a plan be prepared for the river's future. This plan would outline the

appropriate steps to preserve the outstanding values of the Delaware River.

The Delaware River is an important part of the Commonwealth of Pennsylvania and in fact, it has been an important part of this country's history since Washington crossed it 207 years ago. Congress should act quickly to preserve the legacy of the Delaware River for generations to come.

I ask my colleagues, Mr. Speaker, to "save the Delaware."●

#### THE SOVIET UNION UNDER YURI ANDROPOV

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Foreign Affairs Newsletter for January 1983 into the CONGRESSIONAL RECORD:

#### THE SOVIET UNION UNDER YURI ANDROPOV

The death of Leonid Brezhnev raises many questions about the future course of Soviet-American relations. Americans want to know what the new Soviet leader will be like and what his policies will be.

Although we lack precise information on current events in the Soviet Union on Yuri Andropov himself, some preliminary judgments can be made. The Andropov succession differs from previous Soviet transfers of power. The process was smoother and more rapid than most experts had predicted, though there may still be challenges to Mr. Andropov's control. Although some slots have been filled by younger men, there have been no sweeping changes in personnel. So far, the reputation of the previous leader has remained intact.

Indeed, Mr. Brezhnev may well be the first leader since V. I. Lenin the Soviets will want to remember. He presided over the emergence of the Soviet Union as a military superpower equal to the United States. While the inefficiencies of the Soviet economy are widely acknowledged, there was a great improvement in Soviet living standards under Mr. Brezhnev. Only at the end of his reign did his failure to carry out fundamental economic reform lead to serious problems.

The key question today is what Mr. Andropov will be like as a leader. He will certainly be more vigorous than Mr. Brezhnev was during the past few years. How long his vigor will last is another matter. Mr. Andropov is now 68 years of age, and apparently has health problems of his own.

Mr. Andropov comes to the job with knowledge and experience of the world broader than that of his predecessors. He is the first Soviet leader since Mr. Lenin to have lived abroad, and as head of the KGB (the Soviet security service which combines the functions of our CIA and FBI) he was very well informed about domestic and foreign affairs. However, knowledge and experience of the West hardly make Mr. Andropov a "liberal", as some scholars have claimed. He gained the top position among a very tough-minded and conservative group of leaders. He worked closely with Mr. Brezhnev, and is not likely to depart markedly from existing policies. In fact, his

knowledge and experience may well make Mr. Andropov a more difficult adversary than his predecessor.

Although Mr. Andropov did not make his entire career in the KGB, he did oversee that dreaded agency for 15 years. He perfected the practice of incarcerating dissidents in psychiatric hospitals, and he succeeded in eradicating the major dissident community by a process of imprisonment, exile, and intimidation. Earlier in his career, Mr. Andropov served as Ambassador to Hungary during the 1956 Soviet invasion. Some observers said that he relished the job of putting down the uprising.

There are now three former KGB officials among the dozen top Soviet leaders, and the leadership, with their help, has begun a campaign against corruption. While reforming the economy will prove difficult, campaigns against waste, fraud, and abuse are popular and help shift attention from economic shortcomings.

Mr. Andropov has little visible experience in economic management, so he will probably rely on his colleagues in tackling what must be his highest priority: making the Soviet economy work better. Faced with a labor shortage and declining productivity, the Soviets may hope to compensate by importing advanced technology from the West. To do so, however, requires enormous expenditures of foreign currency and great reliance on foreign suppliers. It is likely that the Soviets will continue to use imported technology primarily to relieve specific bottlenecks.

Improving the economy requires an overhaul of the planning system, introduction of a rational pricing policy, a better system of economic incentives, and a wage structure reflecting new priorities and the real world. Under Mr. Andropov's eye at the Central Committee in Moscow, the nation of Hungary started along these lines and now has one of the most decentralized and efficient economies in Eastern Europe. But resistance will be fierce in the Soviet Union, where a deeply rooted bureaucracy opposes this sort of change. Russian history provides many examples of regimes that came to power determined to carry out reforms, but found the task too hard and turned instead down the risky path of international adventurism.

While the Soviet Union's problems in foreign policy do not appear as intractable as its economic difficulties, they must be addressed. Afghanistan may be the most pressing problem. The Soviets may be trying to settle the Afghan issue, but it is because they believe it to be in their interest, not because of suggestions from Western leaders that they do so. The Soviet relationship with China can be expected to improve, though there are still major obstacles to be overcome (the Soviet presence in Mongolia, the militarization of the Sino-Soviet border, and Soviet support for Vietnam and its policies in Kampuchea are a few). Poland remains a serious problem for the Soviets, upsetting their military planning and defying satisfactory solution from their point of view.

Relations with the United States are a paramount concern. Mr. Andropov apparently thinks that the ball is in our court because we failed to ratify the second strategic arms limitation treaty and made our anti-Soviet rhetoric more strident. This Soviet perception of American hostility, along with the perception of many Americans that the Soviet Union is intent on aggression, may pose the most serious obstacle to improved Soviet-American relations. ■

DONNA JURICK

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mrs. KENNELLY. Mr. Speaker, on December 4, 1982, Donna Jurick, S.N.D., was inaugurated as the 12th president of Washington's Trinity College. In her inaugural address, Sister Jurick cited the importance of women's colleges and the role she sees these institutions playing not only in helping women fit in male society, but in going beyond that mode of socialization to help young women identify and implement new modes of behavior in the workplace.

I found Sister Jurick's remarks most interesting, and hereby submit them to the RECORD so that my colleagues may benefit from the insight of this thoughtful educator and leader:

The inaugural address follows:

INAUGURAL ADDRESS OF DONNA M. JURICK, S.N.D., DEN., 12TH PRESIDENT OF TRINITY COLLEGE, WASHINGTON, D.C., DECEMBER 4, 1982

Trinity is small. Trinity is a liberal arts college. Trinity is a women's college. Trinity is Catholic. These are Trinity's gifts. Others have gifts that are not ours—or our gifts in other ways. What I shall discuss this afternoon is what Trinity, by owning her unique gifts and developing those gifts, can mean to all of us. It is not only "okay" to be a women's college, to be a Catholic college, to be a liberal arts college, and to be small; it is important that such institutions continue to exist and flourish. It is important that Trinity exist and flourish.

I believe Trinity in and through her students, faculty, administration and staff—and at an extended level her alumnae and friends—is called to share her strengths with the higher education community, the socio-political community, and the Church community. I believe that Trinity's call and response to mission must touch and be touched most directly by her neighbors—the higher education community, the socio-political community, and the Church community of the Washington metropolitan area. By extension I believe we touch and are touched by these same communities on a national and international level. We need each other if we would each be true to our own mission.

Trinity opened her doors under Catholic auspices, namely the congregation of the Sisters of Notre Dame de Namur, at the turn of the century to give women access to the subjects their brothers were studying at major colleges and universities of the day. Trinity alumnae throughout this century have distinguished themselves as knowledgeable and faith-filled women, not only in familial and social settings, but also in positions of prominence in the business, professional, and political worlds. Trinity has accomplished well her stated mission to provide women access to Catholic higher education. Trinity women have used their education effectively to contribute to society in ways previously denied their sex.

But access to a liberal and professional education is now open to women in coeducational colleges and universities throughout this nation and abroad. Women's colleges

have in this sense fulfilled their mission. Before we advocate the demise of women's colleges, however, let's articulate and examine other and perhaps more important contributions. Women have been socialized from babyhood differently from men. Without presenting a developmental comparison of feminine and masculine socialization, permit me to suggest that for some women at least the fundamental self-confidence rudimentary to success in the business, professional, and political worlds can best be developed in an atmosphere in which experimentation with leadership, whether in the classroom or extra-curricular activities, need not be in competition with men; in which role models of successful women professors and administrators are a daily experience, and contact with successful alumnae extends such modelling to a wide variety of fields; in which math and science classes, as well as the humanities, are densely populated with women; and in which women, quite simply, are expected to succeed. These contributions of women's colleges are still important. They stand as a challenge to our processes of socialization. Developmental socialization does not yet in general prepare women to assume adult leadership roles. The adult world of work in general grounds its leadership models in male socialization. Women's colleges provide for some a much-needed transition.

Ultimately I believe our human developmental processes will become responsive to providing women as well as men with the prerequisites for a variety of adult roles, but not until we have educated a forthcoming generation according to a transformed curriculum that recognizes all humankind, female as well as male, as full contributors to our society. I believe that it is fundamentally the role of women's colleges—and in relation to women as Catholic, Catholic women's colleges—to lead the way in this regard.

Consciousness of the exclusion of the perspective of women from the liberal arts curriculum is less than fifteen years old. Much pioneering effort has been accomplished in that time, but the transformation of the curriculum has hardly begun. The Wingspread Conference of October 1981 concluded:

"... the traditional liberal arts curriculum is male-oriented, reflecting the cultural biases and thought-patterns primarily of men, and based, for the most part, on data involving male authors, artists, political figures, psychological subjects, et al. In both educational setting [single sex as well as co-educational], the curriculum is in need of profound change toward the goal of enabling men and women to understand that the history, concerns, values, and perspectives of women—and not merely those of "exceptional" women who fit into male categories on male terms—are as valid and valuable as those of men. The goal is a more truly liberating pattern of education which fosters the greater humanity of all."

I would submit that women's colleges such as Trinity have traditionally trained such "exceptional" women—women who could and did fit into male categories on male terms. Women's colleges must continue to foster the talents of such women. But our

<sup>1</sup> "Liberal Education and the New Scholarship on Women: Issues and Constraints in Institutional Change," A Report of the Wingspread Conference, Washington, D.C.: Association of American Colleges, 1982, pp. 48-9.



consciousness having been raised, if we were to fixate our efforts in the security of what we know ourselves to do well and what we have been rewarded for doing and ignore the call to explore new modes of education for the good of all—men as well as women—we would be denying our pioneering tradition and potentially at least dooming ourselves to irrelevance and subsequent extinction. For women's colleges such as Trinity to fail to plan seriously for the consideration and implementation of the recommendations of the Wingspread conference across all areas of the curriculum, then, is to betray our commitment to the higher education of women and to abdicate leadership in an area in which our very nature demands that we lead. The need for such leadership is not likely to be short-lived.

Ultimately it is not the transformation of our educational institutions, but of society that must be envisioned. As we begin to include an understanding of the "history, concerns, values, and perspectives of women in our curriculum, we may begin to realize that what is not what has to be—that the way we organize ourselves and presume we have to organize ourselves—the ways we relate to one another in our families, in our churches, in our socio-political traditions and structures are not the only ways to relate to one another. Even as we provide for our students internships and practica that ground an examination of their experience of what is currently expected, we need simultaneously to explore alternatives to those expectations—alternatives that might be accomplished with equal effectiveness and perhaps greater respect for the perspectives of all persons. Instead of becoming preoccupied with "fitting in" we must evaluate the cost and explore potential alternatives.

But it is not enough to explore alternatives to our "fitting in" process. We need to sensitize ourselves with equal concern to understanding and exploring alternative modes for the roles we and our students count ourselves blessed to have escaped. We must not limit our understanding of women and their contribution to the professional women among whom we have taken or hope to take our places. We must touch also in order to grasp at least in some sense the poverty, deprivation, and hurt of women forced to live at the margin of our own society. We must seek to understand the lot of the majority of women at the socio-political, economic margins of our world. We must explore ways of designing not theoretical but meaningful and workable alternatives to such modes of being.

And finally, as Trinity women, we must be women in dialogue with the Church. Julie Billiart and the women who founded the Sisters of Notre Dame and Julia McGroarty and the sisters who founded Trinity College exemplify this tradition. They believed in the church; they also believed in the women of their day and their possibilities for a developing role in society and in the Church. They were eminently faithful to the Church and that faithfulness included enabling the Church as well as themselves and the women of their day to grow in understanding and acceptance of women and women's developing possibilities for contributing both to the Church and to society. The women in our colleges today are not and will not be participating in either Church or society in the same way as their mothers and grandmothers. We do them and the Church and society a disservice not to explore with them the questions of the present and the possibilities for the future. Fidelity itself demands such dialog.

Instead of making the assumption, then, that in order to "make it" in Church or society women must learn to "fit in," we need to ask what contributions women might make in altering their very modes of being in Church and society. In the tradition of the liberal arts we must not be afraid to ask questions and actively participate in our dual scholarly role of expanding possibilities for knowledge even as we transmit knowledge. Instead of assuming reality is, we must actively participate in creating the reality that will be.

Trinity from her inception has been an excellent Catholic women's college. As I listened to her faculty, staff, administration, students, and alumnae over the past four months, I experienced persons committed to the continuance of such excellence. Beyond the excitement of new programs and the potential for the computerization of the entire curriculum, beyond hoped for budgetary and enrollment stability, is a readiness to articulate and implement new ways of committing ourselves to our mission to gear all programs in a special way to the interests and needs of women and to be unapologetically Catholic while at the same time welcoming students of all creeds and inviting them to be serious about their values and beliefs.

I have shared with you some reflections I consider critical for continued, life-giving excellence. They are important not so much as a statement of my vision—and they are that—but as an articulation, to be refined in subsequent dialog, of how we at Trinity—faculty, staff, administration, and students—might participate in Trinity's continued evolution. I will work to enhance Trinity's distinctive character—her giftedness as a small, liberal arts, Catholic, women's college. I will work also to share Trinity's giftedness with the higher education community, the socio-political community, the Church community of this city, our nation, and the world. I trust the sharing will be mutual. In this process of sharing our giftedness with one another we will complete and strengthen one another. Together we can create a tomorrow in which the contributions of all persons—women as well as men—are truly valued.●

#### LIFTING THE CURTAIN ON AFGHANISTAN'S HORROR

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1983

● Mr. McDONALD. Mr. Speaker, the full story of Soviet atrocities in Afghanistan may never be known, but what is certain is that the rebellion against the Communist puppets governing, or attempting to govern Afghanistan, is growing as is the rage of the Afghan people against the Soviets. For 3 days in December in Paris, evidence of all sorts of atrocities was heard from firsthand witnesses of Soviet outrages in Afghanistan. The tribunal hearing the witnesses issued a verdict condemning the Soviets for nearly every possible violation of the rules of war and human rights. The story, as it appeared in the Wall Street Journal of January 24, 1983, is well

worth the few moments it will take my colleagues to read it.

#### LIFTING THE CURTAIN ON AFGHANISTAN'S HORROR

(By Rosanne Klass)

Since the Soviet army invaded Afghanistan three years ago, Moscow and the government it installed in Kabul have clamped a news blackout on events in that country. Independent journalists were thrown out a month or two after the invasion; aside from a handpicked few, only those reporters willing to risk their necks to go in with the resistance forces have been able to cover the story at all, and they get only a fleeting, limited view.

The International Red Cross was also thrown out soon after the invasion, and has not been allowed to function there since—nor is any other human rights organization allowed in. The diplomatic community is effectively limited to official circles in Kabul; an Afghan in contact with non-communist foreigners risks prison or worse. The stories coming out through competing resistance factions and refugees in Pakistan can seldom be checked, and reporters are understandably dubious about them.

Thus the world is effectively ignorant about what is happening in Afghanistan—which is, of course, the way the Soviets want it. And for good reason—for in Afghanistan, the Soviets are conducting a massive terror campaign against the civilian population.

The aim is to terrorize and crush the Afghan people into submission, eliminate the nation-wide base of support for the resistance and consolidate the Soviet grip on this highly strategic territory, the key to many of Moscow's future ambitions in South Asia and the Indian Ocean.

#### NAZI-LIKE ATROCITIES

The Soviet campaign bears comparison with the atrocities of the Nazis, Idi Amin, Cambodia, and—perhaps not accidentally—with those of Genghis Khan, whose slaughter of the Afghan people in the 13th century is well-known to every Russian school child.

Though reports of Soviet atrocities in Afghanistan have leaked out, starting with the Kerala massacre in 1979, it has seldom been possible to verify them, thanks to the new Iron Curtain around Afghanistan. But last month in Paris a stream of witnesses, including some who arrived at the last moment from deep inside Afghanistan, lifted that curtain for a moment to reveal a scene of sheer horror: a people facing execution for the crime of defending their freedom.

The circumstances were particularly embarrassing to the Soviets and their apologists: The revelations and condemnations in Paris came from the left. Three days of hearings culminating in a press conference on Dec. 20 were conducted by the Permanent Tribunal of the Peoples, the successor organization to the old Bertrand Russell war crimes tribunal which put America in the dock for Vietnam, and which has generally been more notable for its attention to the warts of the West than to those of the Soviet bloc and Third World. The panel of judges—French, Swiss, Belgian, Yugoslav, Mexican, Indian—ranged from socialist humanitarians to lifelong fellow-travelers.

This was not the first time that the tribunal had met to consider Afghanistan: In Stockholm in 1980, its judges condemned Moscow for violations of the U.N. charter

and the right of self-determination, as well as for aggression. But, although the Stockholm hearings included extensive testimony on torture, mass executions, rape and civilian massacres, the panel there passed no judgment on violations of human rights.

That omission was rectified in Paris, where the second hearing on Afghanistan was devoted entirely to atrocities and human rights violations.

For three days, dozens of witnesses—journalists, doctors, experts on weaponry, representatives of humanitarian groups who had visited Afghanistan secretly, Afghan victims and eyewitnesses—piled up horrors in their testimony and evidence on the table—weapons, photographs, films, documents, fragments of chemical-sealed rock. There were the outlawed weapons used in violations of treaties the Soviets were signatories to: dum-dum bullets, disguised booby-trap mines, chemical weapons, contaminated grain.

The Dutch freelance journalist Bernd de Bruin showed films he had taken of a chemical attack on an Afghan farm village, and of the ebony-black, bloated corpse of a man he had seen alive in that village less than 24 hours earlier; later, in a cafe, de Bruin rolled up his sleeve to display the red patches that have marked his skin since he was caught on the edge of a gas attack 18 months earlier.

Ricardo Fraile, a French expert on arms control, carefully outlined his assessment of chemical weapons used on sites he had just visited during a secret trip into Afghanistan, showing slides and samples of scorched rock from a village in the Logar Valley near Kabul where, on Sept. 13, 1982, more than 100 villagers—a dozen of them children under 10—were sealed up and deliberately burned to death in an underground irrigation tunnel in which they had taken shelter when Soviet forces rolled into the village.

French doctors detailed the pinpoint bombing of their hospitals in Afghanistan, some of them marked with red crosses on the roofs. One Afghan witness after another described the saturation bombings of civilian targets, the systematic destruction of crops and granaries, the massacre of entire villages—all intended to terrorize the population into withdrawing support from the resistance or abandoning their homes and fleeing to Pakistan. The boobytrap mines disguised as toys and household objects (outlawed by a 1981 treaty the Soviets signed even as they were using them) were explained: They are too small to kill, instead they maim, thus burdening the able-bodied with the wounded.

As the evidence piled up, a Norwegian observer remarked quietly, "Perhaps the time has come to reconvene the Nuremberg trials."

A few of the judges looked uncomfortable and, in their questions, sought extenuating circumstances; they found none. One snoozed. One looked irritable and bored. The others dug for details.

Then, late on the third day, witnesses from Afghanistan arrived, rushing from the airport to the Sorbonne halls, and straight to the podium. The American scholar Mike Barry had gone into Afghanistan to verify atrocity stories, had located them, and brought them to Paris; they had been delayed in Pakistan, and a special Saturday night session had been called to hear their testimony.

Three of them were men from the village in Logar. They were the village's mayor, a mullah and a village elder. They described,

to the audience of several hundred, how the Soviet troops methodically prepared the explosive chemical inferno in an irrigation tunnel in their village last fall, and then applauded its success before climbing into their vehicles and departing. They read the list of the dead, many of them their relatives, and told of bringing the bodies out and trying to identify them.

#### TORTURE, MAIMING, RAPE

Another was a medical student, a tiny young woman of 22, who had to sit during her testimony; she told of her arrest and torture in Afghanistan, of the maiming and electric shocks and sexual attacks in the cells of the prime ministry, the secret police and Pul-i-Charkhi prison, and she shook sometimes, or stopped and seemed to lose her train of thought.

Then there was the witness from a northern province, telling of two boys, ages eight and 10, who refused to reveal to Soviet troops the hiding place of their resistance-commander father, and were doused with gasoline and set on fire.

An audience that had thought itself numb with ghastly testimony sat riveted till nearly 1 a.m. Then the judges retired, to spend a day considering the evidence.

The detailed 33-page verdict was announced at a press conference covered by both print and broadcast media in Europe. The Tribunal of the Peoples, in its Second Session on Afghanistan, condemned the Soviet Union for violations of the established rules of war, of the fundamental rights of the Afghan people and of basic, elementary human values.

The six Afghans who testified at the end of the tribunal plan to fly into New York this week for a brief stay in the U.S. They are coming from London, where they met last Thursday with Britain's prime minister, Margaret Thatcher.

(Rosanne Klass is director of the Afghanistan Information Center at Freedom House, New York City.)

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 8, 1983, may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### FEBRUARY 14

10:00 a.m.  
Banking, Housing, and Urban Affairs  
To hold oversight hearings on the status of the housing sector.

SD-538

11:00 a.m.  
Energy and Natural Resources  
To hold hearings on the nomination of J. J. Simmons III, of Oklahoma, to be Under Secretary of the Interior.

SD-366

##### FEBRUARY 15

9:30 a.m.  
Banking, Housing, and Urban Affairs  
International Finance and Monetary Policy Subcommittee  
To hold oversight hearings on the status of the international debt.

SD-538

Veterans' Affairs  
To hold joint hearings with the House Committee on Veterans' Affairs to receive legislative recommendations for fiscal year 1984 from the Disabled American Veterans.

345 Cannon Building

10:00 a.m.  
Environment and Public Works  
To hold hearings to review those items in the President's budget for fiscal year 1984 which fall within its legislative jurisdiction, and to consider recommendations which it will make thereon to the Budget Committee.

SD-406

10:30 a.m.  
Labor and Human Resources  
Employment and Productivity Subcommittee  
To hold hearings on S. 242, authorizing funds for fiscal year 1983 to provide additional employment opportunities in existing Federal or federally assisted labor intensive programs, to provide incentives for employers to hire the long-term unemployed, and to expand retraining opportunities for dislocated workers.

SD-430

1:00 p.m.  
Finance  
To hold hearings on recommendations of the National Commission on Social Security Reform.

SD-215

2:00 p.m.  
Rules and Administration  
To hold hearings on committee resolutions requesting funds for operating expenses for 1983.

SR-301

##### FEBRUARY 16

9:30 a.m.  
Banking, Housing, and Urban Affairs  
To hold oversight hearings on the Federal Reserve System's first monetary policy report for 1983.

SD-538

Commerce, Science, and Transportation  
Communications Subcommittee  
To hold hearings on S. 66, to create a jurisdictional framework to apportion the authority regulating cable systems between the Federal and State governments, and to provide for a competi-



tive marketplace for cable systems in the telecommunications industry.

SR-253

#### Rules and Administration

To continue hearings on committee resolutions requesting funds for operating expenses for 1983.

SR-301

10:00 a.m.

#### Veterans' Affairs

To hold hearings to review those items in the President's budget for fiscal year 1984 which fall within its legislative jurisdiction, and to consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Veterans' Administration.

SR-418

10:30 a.m.

#### Energy and Natural Resources

Business meeting, on pending calendar business.

SD-366

2:00 p.m.

#### Appropriations

#### Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for energy and water development programs.

SD-192

### FEBRUARY 17

9:30 a.m.

#### Banking, Housing, and Urban Affairs

#### International Finance and Monetary Policy Subcommittee

To resume oversight hearings on the status of the international debt.

SD-538

#### Commerce, Science, and Transportation Communications Subcommittee

To continue hearings on S. 66, to create a jurisdictional framework to apportion the authority regulating cable systems between the Federal and State governments, and to provide for a competitive marketplace for cable systems in the telecommunications industry.

SR-253

#### Finance

#### Health Subcommittee

To continue hearings on a proposal to develop a medicare prospective payment system for hospitals, skilled nursing facilities, and other providers.

SD-215

#### Rules and Administration

To continue hearings on committee resolutions requesting funds for operating expenses for 1983.

SR-301

10:00 a.m.

#### Agriculture, Nutrition, and Forestry

To hold hearings on S. 251, to provide for fair trade practices in the agricultural market, and to encourage and expand the export volume and value of agricultural commodities and products, and other related measures.

SR-332

#### Appropriations

#### HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1984 for the American Battle Monuments Commission, Army cemetery expenses, and the Selective Service System.

SD-124

## EXTENSIONS OF REMARKS

#### Appropriations

#### Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Transportation.

SD-138

#### Energy and Natural Resources

#### Public Lands and Reserved Water Subcommittee

To hold hearings on S. 96, to establish the Lee Metcalf wilderness and management area in the State of Montana.

SD-366

#### Environment and Public Works

To resume hearings to review those items in the President's budget for fiscal year 1984 which fall within its legislative jurisdiction, and to consider recommendations which it will make thereon to the Budget Committee.

SD-406

#### Governmental Affairs

#### Permanent Subcommittee on Investigations

To hold hearings to examine the nature of organized crime as it exists today in the mid-Atlantic region of the United States.

SD-342

1:30 p.m.

#### Commerce, Science, and Transportation

#### Surface Transportation Subcommittee

To hold hearings on automobile safety, focusing on the durability of car bumpers.

SR-253

#### Finance

#### Health Subcommittee

To continue hearings on a proposal to develop a medicare prospective payment system for hospitals, skilled nursing facilities, and other providers.

SD-215

### FEBRUARY 18

9:00 a.m.

#### Energy and Natural Resources

To hold oversight hearings, in closed session, on the world petroleum outlook for 1983.

S-407, Capitol

9:30 a.m.

#### Banking, Housing, and Urban Affairs

To resume oversight hearings on the Federal Reserve System's first monetary policy report for 1983.

SD-538

10:00 a.m.

#### Judiciary

#### Security and Terrorism Subcommittee

To hold hearings on the U.S. Attorney General's new domestic security investigation guidelines.

SD-226

### FEBRUARY 21

10:00 a.m.

#### Energy and Natural Resources

To resume oversight hearings on the world petroleum outlook for 1983.

SD-366

### FEBRUARY 22

9:00 a.m.

#### Labor and Human Resources

#### Employment and Productivity Subcommittee

To resume hearings on S. 242, authorizing funds for fiscal year 1983 to provide additional employment opportunities in existing Federal or federally

assisted labor intensive programs, to provide incentives for employers to hire the long-term unemployed, and to expand retraining opportunities for dislocated workers.

SD-430

9:30 a.m.

#### Banking, Housing, and Urban Affairs

To resume oversight hearings on the Federal Reserve System's first monetary policy report for 1983.

SD-538

#### Commerce, Science, and Transportation

#### Science, Technology, and Space Subcommittee

To hold hearings on proposed authorizations for fiscal year 1984 for the National Bureau of Standards, Department of Commerce, and the U.S. Fire Administration, Federal Emergency Management Agency.

SR-253

#### Rules and Administration

Business meeting, to consider committee resolutions requesting funds for operating expenses for 1983, and proposed regulations for Senate mass mailings.

SR-301

10:00 a.m.

#### Environment and Public Works

Business meeting, to consider those matters and programs in the President's budget for fiscal year 1984 which fall within the committee's jurisdiction, with a view toward submitting its views and budgetary recommendations to the Committee on the Budget.

SD-406

#### Finance

To resume hearings on recommendations of the National Commission on Social Security Reform.

SD-215

2:00 p.m.

#### Appropriations

#### Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.

SD-192

#### Appropriations

#### Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1984 for the Washington Metropolitan Area Transit Authority, and the Research and Special Programs Administration of the Department of Transportation.

SD-116

#### Governmental Affairs

To hold hearings on the nominations of Barbara J. Mahone, of New York, to be a Member, and John C. Miller, of Ohio, to be General Counsel, both of the Federal Labor Relations Authority.

SD-342

### FEBRUARY 23

9:00 a.m.

#### Labor and Human Resources

#### Employment and Productivity Subcommittee

To continue hearings on S. 242, authorizing funds for fiscal year 1983 to provide additional employment opportunities in existing Federal or federally assisted labor intensive programs, to provide incentives for employers to hire the long-term unemployed, and to

expand retraining opportunities for dislocated workers. SD-430

10:00 a.m.  
Energy and Natural Resources  
Business meeting, on pending calendar business. SD-366

Finance  
To continue hearings on recommendations of the National Commission on Social Security Reform. SD-215

Governmental Affairs  
Permanent Subcommittee on Investigations  
To resume hearings to examine the nature of organized crime as it exists today in the mid-Atlantic region of the United States. SD-342

Labor and Human Resources  
Education, Arts, and Humanities Subcommittee  
To hold oversight hearings on the implementation of vocational education programs. SD-430

2:00 p.m.  
Appropriations  
Energy and Water Development Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs. SD-192

FEBRUARY 24

9:30 a.m.  
Governmental Affairs  
Oversight of Government Management Subcommittee  
To hold hearings on proposed legislation authorizing funds through fiscal year 1988 for the Office of Government Ethics, Office of Personnel Management, and to review the financial disclosure provisions of the Ethics in Government Act of 1978. SD-562

Judiciary  
Juvenile Justice Subcommittee  
To hold hearings on the reauthorization of the Juvenile Justice and Delinquency Prevention Act (Public Law 93-415). SD-226

10:00 a.m.  
Appropriations  
HUD-Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Consumer Affairs, Consumer Information Center, and the Consumer Product Safety Commission. SD-124

Appropriations  
Transportation and Related Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Highway Traffic Safety Administration, Department of Transportation. SD-138

Energy and Natural Resources  
Energy and Mineral Resources Subcommittee  
To hold oversight hearings on the status of the Abandoned Mine Land Fund, Department of the Interior. SD-366

Finance  
To continue hearings on recommendations of the National Commission on Social Security Reform. SD-215

Governmental Affairs  
Permanent Subcommittee on Investigations  
To continue hearings to examine the nature of organized crime as it exists today in the mid-Atlantic region of the United States. SD-342

Labor and Human Resources  
Education, Arts, and Humanities Subcommittee  
To continue oversight hearings on the implementation of vocational education programs. SD-430

2:00 p.m.  
Appropriations  
Agriculture, Rural Development and Related Agencies Subcommittee  
To hold hearings to review the general agricultural outlook, and the overall budget for the Department of Agriculture. SD-138

Appropriations  
Energy and Water Development Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs, focusing on the Power Marketing Administrations. SD-192

Select on Ethics  
To hold a general business meeting. S-126, Capitol

FEBRUARY 28

9:00 a.m.  
Commerce, Science, and Transportation  
To hold hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on ocean and coastal programs. SR-253

10:00 a.m.  
Appropriations  
Foreign Operations Subcommittee  
To hold hearings to review foreign assistance programs of the Department of State. SD-192

MARCH 1

9:30 a.m.  
Appropriations  
Agriculture, Rural Development and Related Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the Agricultural Cooperative Service, Agricultural Marketing Service, Office of Transportation, and the Packers and Stockyards Administration, Department of Agriculture. SD-124

10:00 a.m.  
Appropriations  
Foreign Operations Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Department of State, focusing on international security assistance, international narcotics con-

trol, migration and refugee assistance, and antiterrorism. S-126, Capitol

Appropriations  
Transportation and Related Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Transportation Safety Board. SD-138

10:30 a.m.  
Veterans' Affairs  
To hold hearings to receive legislative recommendations for fiscal year 1984 from the Paralyzed Veterans of America, Military Order of the Purple Heart, and World War I Veterans. SR-325

2:00 p.m.  
Appropriations  
Energy and Water Development Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs of the Department of Energy, focusing on nuclear fission and uranium supply and enrichment. SD-192

## MARCH 2

10:00 a.m.  
Labor and Human Resources  
Education, Arts, and Humanities Subcommittee  
To resume oversight hearings on the implementation of vocational education programs. SD-430

Veterans' Affairs  
Business meeting, to consider those items in the President's budget for fiscal year 1984 which fall within its legislative jurisdiction, and recommendations which it will make thereon to the Committee on the Budget. SR-418

2:00 p.m.  
Appropriations  
Foreign Operations Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the Peace Corps, and the Inter-American Foundation. S-126, Capitol

## MARCH 3

9:30 a.m.  
Appropriations  
Agriculture, Rural Development and Related Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and the Federal Grain Inspection Service, Department of Agriculture. SD-124

Governmental Affairs  
Intergovernmental Relations Subcommittee  
To hold oversight hearings on the Office of Management and Budget's Circular A-95, focusing on Federal planning requirements for Federal grant programs. SD-342

10:00 a.m.  
Appropriations  
Foreign Operations Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for certain



programs of the Agency for International Development.

S-126, Capitol

#### Appropriations

#### Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Coast Guard, Department of Transportation.

SD-138

#### Judiciary

#### Agency Administration Subcommittee

To hold oversight hearings on the indemnification of and contributions to Government contractors.

SD-562

#### Labor and Human Resources

#### Educations, Arts, and Humanities Subcommittee

To continue oversight hearings on the implementation of vocational education programs.

SD-430

2:00 p.m.

#### Appropriations

#### Foreign Operations Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Agency for International Development.

S-126, Capitol

#### Appropriations

#### Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs of the Department of Energy.

SD-192

### MARCH 7

10:00 a.m.

#### Appropriations

#### Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Representative to the United Nations, and voluntary contributions to international organizations and programs of the United Nations.

SD-192

### MARCH 8

10:00 a.m.

#### Appropriations

#### Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1984 for the Export-Import Bank of the United States.

SD-192

#### Appropriations

#### Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Railway Association, and Conrail.

SD-138

11:30 a.m.

#### Veterans' Affairs

To hold hearings to receive legislative recommendations for fiscal year 1984 from the Veterans of Foreign Wars.

SR-325

2:00 p.m.

#### Appropriations

#### Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1984 for energy

and water development programs of the Department of Energy.

SD-192

### MARCH 9

10:00 a.m.

#### Appropriations

#### Foreign Operations Subcommittee

To hold hearings to review the current status of the multilateral development banks of the Department of the Treasury.

SD-192

#### Appropriations

#### Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1984 for the Architectural and Transportation Barriers Compliance Board, and the Office of the Inspector General and the Office of the Secretary, Department of Transportation.

SD-138

#### Veterans' Affairs

To hold hearings on proposed legislation providing for veterans' health care services.

SR-418

### MARCH 10

9:00 a.m.

#### Commerce, Science, and Transportation

To resume hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on fisheries programs.

SR-253

9:30 a.m.

#### Labor and Human Resources

#### Labor Subcommittee

To hold oversight hearings on the implementation of the Employee Retirement Income Security Act.

SD-430

10:00 a.m.

#### Appropriations

#### Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.

S-126, Capitol

#### Appropriations

#### HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1984 for the Veterans' Administration.

SD-124

2:00 p.m.

#### Appropriations

#### Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.

S-126, Capitol

#### Appropriations

#### Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs, focusing on the Federal Energy Regulatory Commission, and the Nuclear Regulatory Commission.

SD-192

### MARCH 14

9:00 a.m.

#### Commerce, Science, and Transportation

To resume hearings on proposed legislation authorizing funds for fiscal year 1984 for the National Oceanic and Atmospheric Administration, Department of Commerce, focusing on weather and satellite programs.

SR-253

### MARCH 15

9:30 a.m.

#### Appropriations

#### Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1984 for the Soil Conservation Service, and the Agricultural Stabilization and Conservation Service, Department of Agriculture.

SD-124

#### Labor and Human Resources

#### Labor Subcommittee

To hold hearings on S. 336, to revise prohibitions against persons guilty of criminal offenses holding specified offices or positions, and clarifying the jurisdiction of the Department of Labor relating to the detection of and investigation of criminal violations relating to ERISA.

SD-430

10:00 a.m.

#### Appropriations

#### Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1984 for the Interstate Commerce Commission.

SD-138

10:30 a.m.

#### Appropriations

#### Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed estimates for fiscal year 1984 for the Commodity Credit Corporation, Foreign Agricultural Service (including Public Law 480), Office of International Cooperation and Development, Department of Agriculture.

SD-124

2:00 p.m.

#### Appropriations

#### Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs of the Department of Energy.

SD-192

### MARCH 16

10:00 a.m.

#### Appropriations

#### Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1984 for the Civil Aeronautics Board.

SD-138

#### Labor and Human Resources

#### Education, Arts, and Humanities Subcommittee

To hold hearings on issues related to math and science education in elementary and secondary schools.

SD-430

## Veterans' Affairs

To hold hearings on proposed legislation providing educational assistance for certain members of the Armed Forces.  
SR-418

## MARCH 17

9:30 a.m.

Appropriations  
Agriculture, Rural Development and Related Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and the National Agriculture Library, Department of Agriculture.  
SD-124

10:00 a.m.

Appropriations  
Transportation and Related Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Railroad Administration of the Department of Transportation, and the National Railroad Passenger Corporation (Amtrak).  
SD-138

## Labor and Human Resources

Education, Arts, and Humanities Subcommittee  
To continue hearings on issues related to math and science education in elementary and secondary schools.  
SD-430

10:30 a.m.

Veterans' Affairs  
To hold hearings to receive legislative recommendations for fiscal year 1984 from AMVETS and the Blinded Veterans Association.  
SD-628

2:00 p.m.

Appropriations  
Energy and Water Development Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs of the Department of Energy, focusing on atomic energy defense activities.  
SD-192

## MARCH 21

2:00 p.m.

Appropriations  
Energy and Water Development Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs, focusing on the Appalachian Regional Commission and the Tennessee Valley Authority.  
SD-192

## MARCH 22

9:30 a.m.

Appropriations  
Agriculture, Rural Development and Related Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the Economic Research Service, Statistical Research Service, and the World Agricultural Outlook Board, Department of Agriculture.  
SD-124

10:00 a.m.

Appropriations  
Transportation and Related Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the

Federal Highway Administration, Department of Transportation.  
SD-138

## MARCH 23

10:00 a.m.

Appropriations  
Transportation and Related Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the Panama Canal Commission, and the St. Lawrence Seaway Development Corporation of the Department of Transportation.  
SD-138

## Veterans' Affairs

To hold oversight hearings to review the status of construction of certain veterans facilities.  
SR-418

2:00 p.m.

Appropriations  
Energy and Water Development Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.  
SD-192

## MARCH 24

9:30 a.m.

Appropriations  
Agriculture, Rural Development and Related Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Governmental and Public Affairs, Office of the General Counsel, Office of the Inspector General, Office of the Secretary, and departmental administration, Department of Agriculture.  
SD-138

10:00 a.m.

Appropriations  
HUD-Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Science and Technology Policy, and the Council on Environmental Quality.  
SD-124

2:00 p.m.

Appropriations  
Energy and Water Development Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.  
SD-192

## APRIL 5

9:30 a.m.

Appropriations  
Agriculture, Rural Development and Related Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the Food and Nutrition Service, and the Human Nutrition Information Service, Department of Agriculture.  
SD-138

2:00 p.m.

Appropriations  
Energy and Water Development Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.  
SD-192

## APRIL 6

2:00 p.m.

Appropriations  
Energy and Water Development Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.  
SD-192

## APRIL 7

9:30 a.m.

Appropriations  
Agriculture, Rural Development and Related Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the Farmers Home Administration, Federal Crop Insurance Corporation, Office of Rural Development Policy, and the Rural Electrification Administration, Department of Agriculture.  
SD-138

10:00 a.m.

Appropriations  
HUD-Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the Environmental Protection Agency.  
SD-124

2:00 p.m.

Appropriations  
Energy and Water Development Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for energy and water development programs.  
SD-192

## APRIL 12

9:30 a.m.

Appropriations  
Agriculture, Rural Development and Related Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Food and Drug Administration, Department of Health and Human Services, the Farm Credit Administration, and the Commodity Futures Trading Commission.  
SD-138

10:00 a.m.

Appropriations  
Transportation and Related Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Aviation Administration, Department of Transportation.  
SD-192

## APRIL 13

10:00 a.m.

Labor and Human Resources  
Education, Arts and Humanities Subcommittee  
To resume oversight hearings on the implementation of vocational education programs.  
SD-430

## APRIL 14

10:00 a.m.

Appropriations  
HUD-Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Science Foundation.  
SD-124



Appropriations  
Transportation and Related Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the Urban Mass Transportation Administration, Department of Transportation.

SD-192

Labor and Human Resources  
Education, Arts, and Humanities Subcommittee  
To continue oversight hearings on the implementation of vocational education programs.

SD-430

## APRIL 20

10:00 a.m.  
Labor and Human Resources  
Education, Arts, and Humanities Subcommittee  
To hold oversight hearings on the implementation of bilingual education programs by the Department of Education.

SD-430

Veterans' Affairs  
Business meeting, to consider proposed legislation providing for certain veterans' health care services, and proposed legislation providing educational assistance for certain members of the Armed Forces.

SR-418

## APRIL 21

10:00 a.m.  
Appropriations  
HUD-Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Aeronautics and Space Administration.

SD-124

Labor and Human Resources  
Education, Arts, and Humanities Subcommittee  
To continue oversight hearings on the implementation of bilingual education programs by the Department of Education.

SD-430

## APRIL 25

2:00 p.m.  
Appropriations  
Transportation and Related Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.

SD-192

## APRIL 26

10:00 a.m.  
Appropriations  
Transportation and Related Agencies Subcommittee  
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs

SD-124

## APRIL 27

10:00 a.m.  
Appropriations  
Transportation and Related Agencies Subcommittee  
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs

SD-192

## Veterans' Affairs

To hold oversight hearings to review adverse health effects from exposure to radiation, and other related matters.

SR-418

## APRIL 28

10:00 a.m.  
Appropriations  
HUD-Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Emergency Management Agency, and the Neighborhood Reinvestment Corporation.

SD-124

## MAY 5

10:00 a.m.  
Appropriations  
HUD-Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Revenue Sharing (New York City loan program), Federal Home Loan Bank Board, and the National Credit Union Administration.

SD-124

## MAY 12

10:00 a.m.  
Appropriations  
HUD-Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Housing and Urban Development.

SD-124

## MAY 18

10:00 a.m.  
Veterans' Affairs  
To hold oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.

SR-418

## MAY 23

10:00 a.m.  
Appropriations  
HUD-Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.

SD-124

## MAY 24

10:00 a.m.  
Appropriations  
HUD-Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.

SD-124

## JUNE 8

10:00 a.m.  
Veterans' Affairs  
To hold hearings on proposed legislation providing for certain veterans' compensation.

SR-418

## JUNE 22

10:00 a.m.  
Veterans' Affairs  
To hold oversight hearings on certain health care services for veterans.

SR-418

## JUNE 29

10:00 a.m.  
Veterans' Affairs  
Business meeting, to consider proposed legislation providing for certain veterans' compensation.

SR-418

## JULY 13

10:00 a.m.  
Veterans' Affairs  
To hold oversight hearings to review certain health care and other services provided Vietnam veterans.

SR-418

## JULY 20

10:00 a.m.  
Veterans' Affairs  
To hold oversight hearings on the role of management in implementing automated data processing systems at multiple VA hospital sites.

SR-418